

<p style="text-align: center;">Page 1</p> <p>1 UNITED STATES DISTRICT COURT MIDDLE DISTRICT OF TENNESSEE 2 NASHVILLE DIVISION 3 4 5 6 JOHN RUFFINO and MARTHA RUFFINO,) Husband and Wife,) 7 Plaintiffs,) 8) Civil Action No. 3:17-cv-00725 9) DR. CLARK ARCHER and HCA) Jury Demand 10 HEALTH SERVICES OF TENNESSEE, INC.) Judge Crenshaw d/b/a STONECREST MEDICAL CENTER,) Magistrate Judge 11) Newbern Defendants.) 12 13 14 15 VIDEO DEPOSITION OF JOHN RUFFINO 16 OCTOBER 24, 2017 17 18 The video deposition of JOHN RUFFINO was taken pursuant to 19 Notice on the 24th day of October, 2017, beginning at 9:57 20 a.m., at the Wingfield Inn, 1101 Housman Street, Mayfield, 21 Kentucky; said video deposition was taken for any and all 22 purposes permitted by law. 23 24 25</p>	<p style="text-align: center;">Page 3</p> <p>1 2 VIDEO DEPOSITION OF JOHN RUFFINO 3 OCTOBER 24, 2017 4 5 I N D E X 6 CAPTION, APPEARANCES & INDICES: ----- 1-3 7 TESTIMONY OF JOHN RUFFINO: ----- 4-116 Direct Examination by Mr. Gideon: ----- 4-116 8 9 CERTIFICATE BY REPORTER: ----- 117 10 DEPONENT CERTIFICATION: ----- 118-120 11 EXHIBIT: ----- Attached 12 13 INDEX OF EXHIBITS 14 Exhibit Marked for Identification 15 Exhibit 1: ----- 53 16 17 18 19 20 21 22 23 24 25</p>
<p style="text-align: center;">Page 2</p> <p>1 APPEARANCES: Brian Cummings CUMMINGS MANOOKIAN, PLC 2 45 Music Square West Nashville, Tennessee 37203 3 ATTORNEY FOR PLAINTIFFS 4 5 C.J. Gideon, Jr. J. Blake Carter 6 GIDEON, COOPER & ESSARY, PLC 315 Deaderick Street, Suite 1100 7 Nashville, Tennessee 37238 ATTORNEYS FOR HCA HEALTH SERVICES OF 8 TENNESSEE, INC. d/b/a STONECREST MEDICAL CENTER 9 10 Nate Gorman HALL BOOTH SMITH, P.C. 11 424 Church Street Suite 2950 12 Nashville, Tennessee 37219 ATTORNEY FOR CLARK ARCHER, M.D. 13 14 15 16 ALSO PRESENT: Martha Ruffino PLAINTIFF 17 18 Nathan Belcher VIDEOGRAPHER/OHIO VALLEY REPORTING 19 20 21 22 23 24 25</p>	<p style="text-align: center;">Page 4</p> <p>1 VIDEOGRAPHER: This is the deposition of John 2 James Ruffino being taken in the Middle District of 3 Tennessee, Nashville Division; John Ruffino and Martha 4 Ruffino versus Dr. Clark Archer and HCA Health Services of 5 Tennessee, Inc., d/b/a StoneCrest Medical Center. Today's 6 date October 24, 2017. Start time 10:59 a.m. Correction 7 9:57 a.m. We are located at the Wingfield Inn in 8 Mayfield, Kentucky. 9 At this time will counsel please state their 10 appearances for the record? 11 MR. CUMMINGS: Brian Cummings for the 12 plaintiffs. 13 MR. GIDEON: C.J. Gideon and Blake Carter for 14 HCA Health Services of Tennessee doing business as 15 StoneCrest Medical Center. 16 MR. GORMAN: Nate Gorman for Dr. Clark Archer. 17 THE WITNESS, BEING FIRST DULY SWORN UPON HIS 18 OATH, TESTIFIED AS FOLLOWS: 19 DIRECT EXAMINATION BY C.J. GIDEON, JR., ATTORNEY 20 FOR HCA HEALTH SERVICES OF TENNESSEE, INC. d/b/a 21 STONECREST MEDICAL CENTER: 22 Q How many depositions have you given before, 23 Mr. Ruffino? 24 A Zero. 25 Q Let me give you some rules to keep in mind</p>



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1 that will make the process easier for you and more useful
2 for us. Listen to the question I ask. If at any time I
3 ask you a question you don't understand, just tell me and
4 I'll do a better job the next time. If you need to take a
5 break as a matter of personal comfort, to check on
6 somebody, you're free to do so whenever you wish to. All
7 you have to do is answer the question that I've just
8 asked. Likewise, when I hand you some documents if you,
9 for any reason, need some glasses or you need better
10 lighting, we can always move around this room, because
11 it's a little dark in here, to get better lighting so you
12 can read things clearly.
13 Have you taken any medications today?
14 A No.
15 Q Do you routinely take medications?
16 A Yes.
17 Q What medications do you normally take?
18 A I'm not sure.
19 Q Can you think of one medication you
20 routinely take?
21 A Blood pressure.
22 Q Is it Lisinopril?
23 A Yes.
24 Q How frequently do you take Lisinopril?
25 A Once a day.

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1 Q Anything other than Lisinopril for blood
2 pressure? Do you take a medication called a statin that
3 holds down your cholesterol?
4 A Yes.
5 Q What's the name of that?
6 A I don't know.
7 Q Is it Atorvastatin?
8 MS. RUFFINO: I'm not sure either.
9 MR. CUMMINGS: You answer when it's your
10 deposition. Okay?
11 MS. RUFFINO: Sorry. Thought he was looking at
12 me.
13 MR. CUMMINGS: That's okay.
14 (Direct Examination continues by Mr. Gideon:)
15 Q A lot of folks, people born in the '50s
16 like you and I, will have little pill containers where
17 we'll put our meds in to know that we've got to take these
18 each day. Do you have a pill container?
19 A Yes.
20 Q How many different kinds of pills are in
21 your container?
22 A Five.
23 Q So we've covered a blood pressure that you
24 think is Lisinopril, some kind of statin that reduces
25 cholesterol. What are the other three medications you

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1 take regularly?
2 A Aspirin.
3 Q 81 milligrams?
4 A Yes.
5 Q Is it an enteric coated thing so it won't
6 hurt your stomach?
7 A No.
8 Q Baby aspirin?
9 A Yeah.
10 Q Okay. So that's three. What are four and
11 five?
12 A One for seizures.
13 Q Do you take Neurontin?
14 A I don't know.
15 Q Or is it called Gabapentin?
16 A No.
17 Q It's for seizures, though?
18 A Yeah.
19 Q Who is the doctor that wrote you the
20 prescription for the medication for seizures?
21 A I don't know what his name is.
22 Q You don't know what his name is?
23 A Yeah.
24 Q Is it Dr. Carrico, C-a-r-r-i-c-o?
25 A Is he here? Is he in Mayfield?

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1 Q Yes, sir.
2 A Yes.
3 Q All right. When's the last time you had a
4 seizure?
5 A August.
6 Q Of what year?
7 A Of 2016.
8 Q All right. So it's been over a year?
9 A Yeah.
10 Q You're still taking a drug to stop
11 seizures, though?
12 A Yes.
13 Q All right. And what's that fifth
14 medication that's in your pill container?
15 A I can't remember.
16 Q As you go through today if that occurs to
17 you, just tell me when we get to it.
18 A Yes.
19 Q Do you have the pill container with you
20 today?
21 A No.
22 Q Are we on central or eastern time here?
23 A Central.
24 Q All right. So it's just a few minutes
25 after 10:00 central. You've not taken any medications at



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1 all today. Is there a reason why?
2 A I will take it when I get home from this.
3 Q When do you normally take your medications?
4 A In the morning; like at 10:00, 11:00.
5 Q Okay. Well, I'll ask you again, is there a
6 reason why you didn't take them this morning?
7 A No.
8 Q When's the last time you saw Dr. Carrico?
9 A Month ago.
10 Q Do you see him on a monthly basis?
11 A No. Every three months.
12 Q Is he the physician for both you and your
13 wife here in this community?
14 A No.
15 Q Who's your wife's physician?
16 A I don't know.
17 Q You don't know?
18 A No.
19 Q Do you have a driver's license?
20 A Yes.
21 Q Are you permitted to drive a car in the
22 State of Kentucky?
23 A Yeah.
24 Q Okay. Do you have any conditions or
25 limitations on your driver's license in Kentucky that

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1 limit when you can drive, where you can drive, or what you
2 can drive?
3 A No.
4 Q No. Before we got started I asked if you
5 needed glasses in order to -
6 A Drive.
7 Q - read documents today. I need glasses to
8 read documents and I noticed the room was dark, which is
9 the reason I asked you that. Are you required to wear
10 glasses to drive a car?
11 A Not required.
12 Q No. Do you find it helpful to do that?
13 A Yes.
14 Q Do you have an ophthalmologist or an
15 optometrist -
16 A No.
17 Q - that's seen your - - checked your eyes in
18 the last year or so?
19 A No.
20 Q You were born in June of 1959?
21 A Correct.
22 Q So you're coming up on 60 in two years,
23 right?
24 A Yes.
25 Q Currently 58 years of age?

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1 A Yes.
2 Q When's the last time you had your vision
3 checked?
4 A I don't remember.
5 Q Today is a deposition. I'm going to ask
6 you questions. You are under oath the same way you would
7 be in a courtroom. Do you understand that?
8 A Yes.
9 Q Okay. Tell me what you have looked at,
10 what you have read or reviewed to get ready to give this
11 deposition today in this case you filed.
12 A Just the things that, things that I
13 e-mailed.
14 Q What things did you e-mail and who did you
15 e-mail things to?
16 A Things I had to sign. That's it.
17 Q Are you telling me that the only thing you
18 looked at in preparation for this deposition were things
19 that you signed?
20 A Yeah.
21 Q Were they called interrogatories, answers
22 to written questions?
23 A I don't know.
24 Q When did you look at these things?
25 A I can't tell you. I don't know.

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1 Q You don't recall when you looked at them?
2 A They are over a period of time.
3 Q Yes. I'm sure that's the case. But what
4 I'm interested in is, as you prepared to give your sworn
5 testimony today, what if anything did you look at in order
6 to get prepared, to know details about the case?
7 Anything?
8 A No.
9 Q No. Dr. Carrico is a family practice
10 physician?
11 A Yes.
12 Q Have you seen a neurologist?
13 A Yes.
14 Q In the last year or so?
15 A Yes.
16 Q Who?
17 A Dr. Maria Dongas.
18 Q When did you last see Dr. Maria Dongas?
19 A About three to six months ago.
20 Q And you saw her in Nashville?
21 A Yes.
22 Q What did you go to see her for?
23 A She wanted to see if I improved at all or
24 if there's any difference.
25 Q Excuse me. I didn't understand.



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1 A She wanted to know if there was any
2 difference in what we have.
3 Q She wanted to examine you and see if your
4 right side was any better than it had been -
5 A Yes.
6 Q - before?
7 A Yes.
8 Q And was it some better?
9 A No.
10 Q The same?
11 A Yeah.
12 Q Same since when?
13 A Since I had a stroke.
14 Q Okay. Well, we'll get back to that in a
15 minute. Let's talk, first of all, about when you first
16 began dealing with mini strokes. When did you first have
17 trouble with mini strokes?
18 A December.
19 Q Of what year?
20 A Of 2015.
21 Q And tell me about the presentation of the
22 first mini stroke. How did you feel? What were you doing
23 when it presented itself?
24 A Nothing. I was just sitting there.
25 Q Just sitting still? Were you at home?

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1 A No. Yeah, I was at home.
2 Q You were at home with the first stroke.
3 And how did you know something was happening to you?
4 A I had dizziness and I had - - my right
5 hand, right arm would get heavy.
6 Q Dizziness. Heavy right arm.
7 A That was it.
8 Q What about right leg?
9 A No.
10 Q No problem with your right leg. When you
11 had that first mini stroke did you also experience a lack
12 of feeling or sensation in your right arm or right leg?
13 A No.
14 Q No. Okay. How many mini strokes did you
15 have in December of 2015?
16 A I don't know.
17 Q How many occurred before you told a doctor
18 about a mini stroke?
19 A Three times.
20 Q Which doctor did you first go to see about
21 mini strokes?
22 A Dr. Efobi.
23 Q Excuse me?
24 A Efobi.
25 Q Somebody sent you to Dr. Efobi, though?

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1 A No. I went there.
2 Q You picked Dr. Efobi on your own?
3 A Yeah.
4 Q How did you go about selecting Dr. Efobi?
5 What I'm getting at is how did you know that Dr. Efobi was
6 the right one to see for strokes or mini strokes?
7 A She was a nurse of neurologists.
8 Q Had you had three mini strokes by the time
9 you first saw Dr. Efobi?
10 A No. No.
11 Q How many?
12 A Did you say Dr. Efobi?
13 Q Yes.
14 A Yeah. Three was all, yeah.
15 Q You had three by the time you first saw Dr.
16 Efobi?
17 A Yeah.
18 Q Did they all occur at home?
19 A Yeah.
20 Q Did any of them happen at Wal-Mart?
21 A One did.
22 Q What?
23 A One did.
24 Q All right. Well, you just told me all
25 happened at home and now you said one happened at

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1 Wal-Mart?
2 A One happened at Wal-Mart. Two happened at
3 home.
4 Q On the one that happened at Wal-Mart, did
5 you feel a heaviness of your right leg too?
6 A No.
7 Q Did you tell Dr. Efobi you felt heaviness
8 in your right leg and right arm?
9 A No.
10 Q On the two other episodes, the ones that
11 were not at Wal-Mart, were you unable to use your right
12 arm?
13 A No.
14 Q You didn't tell her that either, did you?
15 A I didn't tell her that, no.
16 Q Okay. And you know that when you go to see
17 a doctor you have an obligation to be honest and accurate
18 as you describe things for the doctor, don't you?
19 A Yeah.
20 Q Correct?
21 A Yeah.
22 Q Okay. In all of those episodes, those mini
23 strokes, did you have difficulty speaking?
24 A No.
25 Q Did you have difficulty speaking with any



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1 of those mini strokes?
2 A No.
3 Q Did you tell Dr. Efobi that you had
4 difficulty speaking with all three of those episodes?
5 A No.
6 Q Were you fatigued, tired after each of
7 those episodes?
8 A No.
9 Q What was the day, if you can recall, of
10 your first visit to Dr. Efobi?
11 A Don't recall.
12 Q When you went to see Dr. Efobi - - by the
13 way, is Dr. Efobi a male or a female?
14 A Female.
15 Q When you went to see Dr. Efobi the first
16 time, were you fatigued at the time of that visit?
17 A I don't think so.
18 Q Had you experienced any loss of hearing by
19 the time of that first visit?
20 A No.
21 Q Were you experiencing difficulty breathing
22 called shortness of breath?
23 A No.
24 Q You're sure of that?
25 A Yes.

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1 Q Okay. Were you experiencing any numbness
2 or weakness in your right arm when you went to see her?
3 A No.
4 Q Were you experiencing any tingling
5 anywhere?
6 A No.
7 Q Were you experiencing any loss of memory as
8 of that first visit?
9 A No.
10 Q Were you experiencing any back pain?
11 A No.
12 Q Joint pain?
13 A No.
14 Q Any weakness anywhere?
15 A No.
16 Q Did you tell her you had a history of
17 falling down?
18 A No.
19 Q Did you have any depression?
20 A No.
21 Q And had you experienced any anxiety or
22 panic attacks by the time you first saw Dr. Efobi?
23 A No.
24 Q When you went to see Dr. Efobi was there
25 anything at all wrong with you?

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1 A No.
2 Q Did Dr. Efobi order any tests or
3 examinations on that first visit?
4 A Yes.
5 Q What did she order?
6 A I don't know.
7 Q Did she order any imaging studies like an
8 MRI or an MRA test that I'm sure you've become familiar
9 with now?
10 A Yeah. Yeah.
11 Q And weren't those done at University
12 Medical Center?
13 A Yes.
14 Q Which is a facility you'd been to before,
15 right?
16 A Yes.
17 Q Did she order any blood studies to -
18 A Yes.
19 Q - look at the blood?
20 A Yeah. We were - - yeah.
21 Q Did she explain to you why she was ordering
22 these studies, what she was looking for?
23 A I can't remember what she said.
24 Q Have you had any problem with your memory?
25 A No.

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1 Q Now, before you went to see Dr. Efobi had
2 you had any experience with seizures?
3 A No.
4 Q Had you seen a doctor whose last name was
5 Luck, Dr. Luck -
6 A Yes.
7 Q - before you went to see Dr. Efobi?
8 A Yeah, I did see Dr. Luck.
9 Q Is Dr. Luck the one that sent you to see
10 Dr. Efobi?
11 A Yes. Well, yeah, that's right. Yeah.
12 Q Okay. Where had you seen Dr. Luck? What
13 was the physical location where you actually came in and
14 he did an examination of you?
15 A He had a family practice right on Maple.
16 Q In Lebanon?
17 A Yeah.
18 Q Okay. Did you ever see anybody else at
19 that same location?
20 A No.
21 Q All right. What was the name of the
22 practice?
23 A I don't know.
24 Q What had you told Dr. Luck? What problems
25 were you having that led Dr. Luck to send you to see Dr.



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1 Efobi?
2 A I think I said my -- I had symptoms,
3 symptoms of the -- symptoms of shortness of -- short --
4 small, what they call small --
5 Q Stroke? Mini stroke?
6 A Mini strokes.
7 Q Okay. Well, what kind of symptoms of mini
8 stroke were you having that you shared with Dr. Luck?
9 A The arm, and I felt dizziness.
10 Q And what about the arm; other than the
11 heaviness you've told me, did you notice any other
12 symptoms that you shared with Dr. Luck?
13 A No.
14 Q How long had the mini strokes then been
15 going on before you first told Dr. Luck about dizziness
16 and the right arm feeling very heavy?
17 A Say that again.
18 Q Yes. From the time you had your first
19 right arm heaviness and dizziness, how much time was it
20 before you saw Dr. Luck and reported to him what was going
21 on?
22 A I don't know.
23 Q Okay. Tell me what Dr. Efobi then shared
24 with you, if anything, at the end of that first visit with
25 her. What did she tell you?

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1 A Nothing.
2 Q Nothing. Now, were you smoking at the
3 time?
4 A Yes.
5 Q How much?
6 A Two packs a day.
7 Q Did she not tell you that you absolutely
8 had to stop smoking because of your stroke risk?
9 A No.
10 Q She didn't?
11 A No.
12 Q You sure of that?
13 A Yes.
14 Q Did she say that she had diagnosed you with
15 seizures?
16 A That first time?
17 Q Yes, sir.
18 A No.
19 Q Did she diagnose you with seizures at the
20 second visit?
21 A No.
22 Q Did she ever diagnose you with seizures?
23 A Yes.
24 Q When?
25 A The last time I saw her.

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1 Q You saw her twice before you went to
2 StoneCrest Medical Center, didn't you?
3 A There was a third time, I think.
4 Q Well, wasn't there a visit in December of
5 2015 and then a visit on February 11, 2016?
6 A Wasn't there one inbetween?
7 Q You went to University Medical Center to
8 get --
9 A Wasn't there one inbetween that February
10 and December?
11 Q I don't think so. I think there was one -
12 - we can look and you can look at it too. There's one in
13 December. You got an MRA and an MRI on the 23rd of
14 December at University Medical Center, and then you came
15 back to see her again February 11, 2016. Isn't that
16 right?
17 A Yeah.
18 Q Okay. So there were two visits?
19 A The second one.
20 Q So was it on the second one, February 11,
21 2016, when she told you that her diagnosis was seizures?
22 A Yeah.
23 Q Yes?
24 A Yeah.
25 Q Okay. What was it that she said led to the

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1 diagnosis of seizures?
2 A She didn't say.
3 Q Okay. Is that when she prescribed
4 Neurontin or Gabapentin for you -
5 A Yes.
6 Q - to control the seizures?
7 A Yes.
8 Q Now, before you saw her on February 11 had
9 you had another mini stroke, the fourth one? Let's count
10 them. You said there were three that had occurred before
11 you saw her the first time. One was at Wal-Mart and two
12 were at home. On February 11th there's a note in her
13 record that says, "Had another TIA like spell." Described
14 you as being worried. So was there a fourth mini stroke?
15 A Yeah. Yeah.
16 Q Or more?
17 A No. Fourth.
18 Q Okay. Were you still smoking as of
19 February 11, 2016?
20 A Yes.
21 Q When did you actually stop?
22 A When I had the stroke.
23 Q I'm asking you the date. When did you
24 actually stop?
25 A February 7 - - 16th or 17th.



<p style="text-align: right;">Page 25</p> <p>1 Q Of 2016?</p> <p>2 A Yes.</p> <p>3 Q You've not smoked since then?</p> <p>4 A Nope.</p> <p>5 Q On this fourth mini stroke did you have any</p> <p>6 difficulty swallowing?</p> <p>7 A No.</p> <p>8 Q You're sure of that?</p> <p>9 A Yes.</p> <p>10 Q Did you have any numbness anywhere?</p> <p>11 A No.</p> <p>12 Q You're sure of that too?</p> <p>13 A Numbness of what?</p> <p>14 Q Numbness anywhere; of an arm, a leg, a</p> <p>15 face?</p> <p>16 A When was it?</p> <p>17 Q Huh?</p> <p>18 A When was it?</p> <p>19 Q The fourth mini stroke that occurred before</p> <p>20 your visit of February 11, 2016, during that mini stroke</p> <p>21 did you have any numbness anywhere?</p> <p>22 A Yeah.</p> <p>23 Q Where?</p> <p>24 A Arm.</p> <p>25 Q Right arm?</p>	<p style="text-align: right;">Page 27</p> <p>1 tests?</p> <p>2 A Yeah. That first one - - there was a blood</p> <p>3 test done the last one.</p> <p>4 Q Yes. But hadn't she asked you to get the</p> <p>5 blood test at the first visit; you just hadn't done it?</p> <p>6 A No.</p> <p>7 Q That's not true?</p> <p>8 A No.</p> <p>9 Q All right. On this February 11, 2016 visit</p> <p>10 you do not recall her telling you you had an abnormal</p> <p>11 brain scan?</p> <p>12 A Never.</p> <p>13 Q Okay. Do you recall her prescribing</p> <p>14 Neurontin or Gabapentin -</p> <p>15 A Yes.</p> <p>16 Q - on that visit?</p> <p>17 A Yes.</p> <p>18 Q What explanation did she give you as to why</p> <p>19 she was prescribing that for you?</p> <p>20 A Because I told her what I had.</p> <p>21 Q And what was it you told her that you had?</p> <p>22 A I had a seizure.</p> <p>23 Q Okay. Did you have a seizure that was</p> <p>24 different than the stroke?</p> <p>25 A No.</p>
<p style="text-align: right;">Page 26</p> <p>1 A Yeah.</p> <p>2 Q Okay. Did you have any fatigue or</p> <p>3 headaches after -</p> <p>4 A No.</p> <p>5 Q - the stroke was over?</p> <p>6 A No.</p> <p>7 Q And are you sure of that too?</p> <p>8 A Yes.</p> <p>9 Q And you never ever told Dr. Efobi that you</p> <p>10 had difficulty swallowing, correct?</p> <p>11 A I - - yeah.</p> <p>12 Q Your answer is not clear. Did you tell Dr.</p> <p>13 Efobi on February 11, 2016 that during this fourth stroke</p> <p>14 you had had difficulty swallowing? Yes or no?</p> <p>15 A I don't know.</p> <p>16 Q Did Dr. Efobi discuss with you on February</p> <p>17 11th that the brain scan that had been done at University</p> <p>18 Medical Center was abnormal?</p> <p>19 A No.</p> <p>20 Q Did Dr. Efobi tell you that it was</p> <p>21 critically important that you get that blood test done</p> <p>22 that she asked you to get done at the first visit?</p> <p>23 A I don't know what you're talking about.</p> <p>24 Q At the first visit with Dr. Efobi didn't</p> <p>25 she and didn't we already establish she ordered some blood</p>	<p style="text-align: right;">Page 28</p> <p>1 Q All right. How do you characterize, what</p> <p>2 motions or movements constitute a mini stroke as compared</p> <p>3 to a seizure? Tell us yourself. What was it you done</p> <p>4 that you thought was a seizure?</p> <p>5 A I couldn't tell you.</p> <p>6 Q You don't remember?</p> <p>7 A I can't tell you.</p> <p>8 Q Did Dr. Efobi prescribe a statin to reduce</p> <p>9 your cholesterol and antiplatelet medications on that</p> <p>10 visit?</p> <p>11 A No.</p> <p>12 Q Sir?</p> <p>13 A No.</p> <p>14 Q No. Did you have any additional spells on</p> <p>15 February 11th after you saw Dr. Efobi?</p> <p>16 A No.</p> <p>17 Q Did you have any additional spells before</p> <p>18 the morning of February 17, 2016?</p> <p>19 A Not before.</p> <p>20 Q So after that fourth mini stroke, the next</p> <p>21 time you had any problems was the morning of February 17?</p> <p>22 A Yes.</p> <p>23 Q What was your work schedule back in January</p> <p>24 and February of 2016?</p> <p>25 A I start work at 7:00.</p>

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1 Q Five days a week? Four days a week? What
2 was it?
3 A Six days a week.
4 Q Six days a week?
5 A Yes.
6 Q So, Monday through Saturday, 0700 was your
7 start time?
8 A Yeah.
9 Q And it would last until when?
10 A Whenever I got done.
11 Q With the deliveries?
12 A Yeah.
13 Q Were you paid on an hourly basis plus
14 overtime or were you paid on a piece rate for each
15 delivery?
16 A Hourly rate.
17 Q And what was the name of the company that
18 you actually worked for?
19 A Servpro.
20 Q Servpro?
21 A Yes.
22 Q This is the company that Gordon Lee was
23 your boss?
24 A Yes. Yes.
25 Q What were you paid; how much per hour?

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1 A I don't remember. I don't.
2 Q Did they provide you with health insurance
3 benefits?
4 A No.
5 Q All right. Now, just in terms of your
6 history, from January of 1994 to July of 2003, you worked
7 for a company called Clark Retail Enterprises -
8 A Yes.
9 Q - up in Michigan, didn't you?
10 A Yes.
11 Q What did you do? What was your job
12 responsibility?
13 A I managed a store.
14 Q What kind of store was it? Retail store
15 like a Walgreens or a CVS or a Five & Dime?
16 A Gas station.
17 Q Pardon me?
18 A Gas station.
19 Q Gas station. Okay.
20 Did you have any spells back -
21 A No.
22 Q - in Michigan?
23 A No.
24 Q Did that company provide you with health
25 insurance?

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1 A Yeah.
2 Q And what was the name of the insurance
3 carrier that - -
4 A Don't know it.
5 Q Don't recall?
6 A I don't recall.
7 Q Then you worked for a company called Taylor
8 Postal Contracting, Inc.?
9 A Yes.
10 Q Worked for them from October of 2003 until
11 May 5, 2014. There was a three-month gap there between
12 leaving Clark Retail Enterprises in July of 2003 and going
13 to work for Taylor Postal in October of 2003. What was
14 the reason for that gap?
15 A Unemployed.
16 Q Were you fired at Clark Retail or did they
17 close? What happened?
18 A They closed.
19 Q What was the location that closed? What
20 city were you in?
21 A Walled Lake.
22 Q Pardon me?
23 A Walled Lake.
24 Q Walled?
25 A Walled Lake.

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1 Q Okay. All right. Taylor Postal
2 Contracting, your answers to Interrogatory Number 14 tell
3 us that your work for there was October 2003 until May
4 5th, 2014 when you went to work for Republic Services as a
5 truck driver?
6 A Yes.
7 Q Is Republic Services the same company
8 that's a big trash hauling company?
9 A Yeah.
10 Q And your answer to Interrogatory 14 said
11 that that job ended October 28, 2015, by mutual agreement.
12 What brought the job to an end?
13 A I had three incidents where I had either an
14 accident or I got done late.
15 Q You finished your route late or you had a
16 chargeable accident?
17 A Yeah.
18 Q Were they going to fire you?
19 A Yes.
20 Q And did they fire you?
21 A Yeah.
22 Q All right. When they fired you did they
23 state a reason for the firing?
24 A No.
25 Q Well, how do you know what the reason was



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1 if they didn't state a reason for it?
2 A Because they had - - they had a reason for
3 it.
4 Q Did somebody tell you, somebody who worked
5 for Republic tell you, "Mr. Ruffino, we're terminating
6 your employment because of the following things"?
7 A Yes.
8 Q All right. And those following things were
9 finishing your runs late and/or some chargeable accidents?
10 A Yeah.
11 Q How long was it before you went to work for
12 JTA Transport, supervised by Gordon Lee?
13 A Say that again.
14 Q Sure. Your answer to Interrogatory Number
15 14 - and this is one of those documents where you were
16 asked questions and you signed it, saying these are the
17 right answers, under oath -
18 A Yeah.
19 Q - said that you were terminated by Republic
20 Services October 28, 2015. My question now is, when did
21 you next go to work for JTA Transport? When did that job
22 begin?
23 A May of 2014, 2015.
24 Q May of 2015?
25 A Yeah.

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1 Q Okay. Was that before you got fired by
2 Republic? Did you already have this job lined up?
3 A No.
4 Q Well, you told us you were fired by
5 Republic October 28, 2015.
6 A Okay. Then it was May of 2015.
7 Q May of '16, the next year?
8 A No. No.
9 Q Is one of these dates wrong?
10 A I don't know. What do you got on there?
11 Q I have what you gave us. You said that
12 Republic fired you October 28, 2015. Is that right or
13 wrong?
14 A '14. 2014.
15 Q Okay. And you went to work for JTA
16 Transport in May of 2015?
17 A 2015.
18 Q So you were unemployed again for, what,
19 seven months?
20 A Yeah.
21 Q Why were you unemployed for seven months?
22 A I don't know.
23 Q How did you get by for seven months without
24 employment?
25 A I don't know.

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1 Q Did your wife work at that time?
2 A No.
3 Q Okay. Just tell me then, how did you all
4 keep it together financially for seven months with no
5 work?
6 A I had my, my 401(k).
7 Q You pulled money out of the 401(k)?
8 A Yeah.
9 Q All right. A lot of your education, work
10 experience was all in Michigan. When did you move to
11 Tennessee?
12 A May of two-thousand - - when I came to work
13 for Republic.
14 Q Well, your answer to Interrogatory Number 3
15 says that you moved to Alexandria, Tennessee in August of
16 2014, and that answer is also under oath. So which one is
17 it? Did you come to Tennessee in August of 2014 or when
18 you went to work for Republic Services in May of 2014?
19 A I came down here in May of 2014.
20 Q All right. What brought you to Tennessee?
21 A I changed jobs.
22 Q Yes. Was it the Republic Services job -
23 A Yeah.
24 Q - that brought you to Tennessee?
25 A Yeah.

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1 Q What brought you up here to Mayfield,
2 Kentucky, from Alexandria, Tennessee?
3 A Came to live closer to family.
4 Q Which members of your family -
5 A Friends.
6 Q - up here live up here in Mayfield,
7 Kentucky?
8 A Just friends. It was actually friends.
9 Q Just friends?
10 A Of Martha's.
11 Q Friends of your wife?
12 A Yeah.
13 Q Okay. Who is the principal friend she has
14 here?
15 A It was Debbie Langston.
16 Q And where is Debbie Langston now?
17 A Passed away.
18 Q She passed?
19 (WITNESS NODS YES INDICATING THE AFFIRMATIVE.)
20 Q When did that happen?
21 A I don't remember. 9/14 or something.
22 Q What?
23 A 9/14.
24 Q September of 2014?
25 A September of this year.



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1 Q September 2017?
2 (WITNESS NODS YES INDICATING THE AFFIRMATIVE.)
3 Q Is Debbie Langston somebody who visited
4 with you at Centennial Medical Center?
5 A Yes.
6 Q And she has died since then?
7 A Yes.
8 Q Unexpectedly?
9 A Yes.
10 Q What happened?
11 A Don't know.
12 Q You don't know.
13 When you were living in Tennessee you lived at
14 150 Curtis Avenue in Alexandria, didn't you?
15 A Yes.
16 Q Did you own that house?
17 A No.
18 Q You rented?
19 A Yes.
20 Q Who did you rent from?
21 A Jason Beadle.
22 Q Say that last name again.
23 A Beadle.
24 Q B-e-a?
25 A B-e-a-d-l-e.

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1 Q Okay. All right. And then the house that
2 you moved to up here, do you rent or own?
3 A Rent.
4 Q And what's the address where you live here?
5 A 1206 South Sixth Street.
6 Q All right. While you were working for JTA
7 Transport, was this a company that had a contract with
8 Home Depot where they would deliver products that people
9 had bought at Home Depot to the purchaser's home?
10 A Right.
11 Q Yes?
12 A Yes.
13 Q And were you assigned to a particular Home
14 Depot store, to make all the deliveries from that one
15 store?
16 A No.
17 Q They could send you to any Home Depot?
18 A Yes.
19 Q Did you have a particular territory where
20 you would make deliveries to?
21 A Yeah.
22 Q What was your territory, Mr. Ruffino?
23 A Nashville.
24 Q Anywhere in Nashville?
25 A Nashville and just about anywhere in

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1 Tennessee.
2 Q Okay. When you were working Monday through
3 Saturday -
4 A Yeah.
5 Q - where did you have to be or what did you
6 have to be doing by 7:00 each morning? Did you have to be
7 in your truck? Did you have to call in? What did you
8 have to do?
9 A Had to be in my truck.
10 Q And what kind of vehicle did you drive?
11 A Straight truck, a 24-foot straight truck.
12 Q Open bed or closed bed?
13 A Closed.
14 Q Closed bed. Did you have to, if you - -
15 just as an example, if you were sent to the Bellevue Home
16 Depot to pick up a washer/dryer unit to take somewhere,
17 did you have to do the loading too, yourself?
18 A Yes.
19 Q All right. Did you have an assistant who
20 would go with you for -
21 A No.
22 Q - heavy loads?
23 A No.
24 Q All right. How did your employer know that
25 you were in your closed 24-foot truck by 7:00 each

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1 morning?
2 A They had something on my phone.
3 Q Excuse me?
4 A They had something on my phone and I would
5 call in every morning to get my route.
6 Q So you'd start your work by calling in by
7 7:00; and they would give you what kind of information?
8 A Where I pick up and where I drop off.
9 Q Did they give you that information for the
10 whole day -
11 A Yes.
12 Q - or just one at the time?
13 A Whole day.
14 Q Did they give it to you orally or did they
15 send it to you in a text or an e-mail?
16 A Text.
17 Q Text. So JTA Transport would text your
18 phone and tell you all your pickups that day? Yes?
19 A Yeah.
20 Q What time did they text you on the morning
21 of February 17, 2016?
22 A 7:00.
23 Q Now, if you got to be at work by 7:00, you
24 can't get up at 7:00. You got to get up before that,
25 right?



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1 A Right. Yeah.
2 Q Were you somebody that took a little time
3 to get around -
4 A Yes.
5 Q - before you'd start working?
6 A Yes.
7 Q So what time did you normally get up?
8 A Six.
9 Q And what was your normal morning activity?
10 Example. Everybody is different. But would you have a
11 cup of coffee at 6:00? Would you take a shower? What
12 would you do?
13 A I would go straight to the job, to my
14 truck, and I would make sure everything was all right with
15 the truck.
16 Q What would you do? Check the fan blades
17 and all that stuff?
18 A Yeah. Yeah.
19 Q What would you check?
20 A Everything.
21 Q Everything?
22 A Yeah.
23 Q Check the oil fluid levels?
24 A Yeah.
25 Q Brake fluid level?

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1 A Yeah.
2 Q You did that every morning?
3 A Yeah.
4 Q Did you have a checklist that you had to
5 check off to reflect you'd done that?
6 A No. No.
7 Q You know how pilots will have to go through
8 a -
9 A Yeah.
10 Q - checklist on a plane?
11 A Yeah.
12 Q You didn't have to do that?
13 A No.
14 Q What else did you check besides fluid
15 levels? Did you check the brake pads, measure the brake
16 pads every morning?
17 A No. No.
18 Q What else would you check?
19 A Tires.
20 Q Tires. Air pressure?
21 A Make sure.
22 Q Did you eat breakfast?
23 A No.
24 Q Have any coffee?
25 A No.

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1 Q Smoke some cigarettes?
2 A Smoked some cigarettes, yeah.
3 Q Who else was living at 150 Curtis Avenue in
4 February of 2016 besides you and your wife?
5 A That's all.
6 Q Didn't you have a stepson or a stepchild
7 living there at the same time?
8 A He left. He left. Like 2015, he left.
9 Q What was his name?
10 A Ralf Crothers. Ralf.
11 Q Rolf?
12 A Ralf.
13 Q R-o-l-f?
14 A R-a-l-f.
15 Q And last name is what?
16 A Crothers.
17 Q Carters?
18 A Crothers.
19 Q All right. Other than checking your
20 vehicle and having some cigarettes, did you do anything
21 else before you got in the truck and checked in at 7:00?
22 A No.
23 Q All right. What was your cell phone number
24 back in February of 2016?
25 A 248-770-1584.

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1 Q How long had you had that cell phone
2 number?
3 A Oh, it's been forever.
4 Q Long, long time?
5 A Yeah.
6 Q We issued a subpoena to Verizon for the
7 calls, in and out, on February 17th on both your number
8 and your wife's. And your number is 248-770-1584?
9 A Yeah.
10 Q Okay. I want you to turn in this document
11 - - you got enough light to see that?
12 A Yeah.
13 Q Okay. If you'll look down - - you want to
14 see this?
15 MR. GORMAN: Sure.
16 Q If you'll look down about midway on the
17 page, that says "Voice, continued," you'll see the
18 beginning of the times. February 17th, 5:52 a.m., and it
19 shows an incoming call at 870 - - excuse me. An incoming
20 call from 870-530-6372. Do you see where I am?
21 A Yeah.
22 Q That's a call from Kenneth Gunn, isn't it?
23 A I don't know.
24 Q Sir?
25 A I don't know.



<p style="text-align: right;">Page 45</p> <p>1 Q Who's Kenneth Gunn?</p> <p>2 A He's a guy that worked with me.</p> <p>3 Q Right. So he also worked for JTA</p> <p>4 Transport, didn't he?</p> <p>5 A Yeah. Yeah.</p> <p>6 Q Why would Kenneth Gunn be calling you at</p> <p>7 5:52 in the morning?</p> <p>8 A I don't know.</p> <p>9 Q You didn't drive together, did you?</p> <p>10 A No.</p> <p>11 Q Now, if you'll look there, there is a call</p> <p>12 from Kenneth Gunn at 5:52, 870-530-6372. And then the</p> <p>13 next call is incoming at 6:08 in the morning from the</p> <p>14 number 347-804-2984. That's Joe Maroney, isn't it?</p> <p>15 A I don't know.</p> <p>16 Q Who's Joe Maroney?</p> <p>17 A A guy I worked with.</p> <p>18 Q Why would Kenneth Gunn and Joe Maroney be</p> <p>19 calling you between 5:52 and 6:08 in the morning on</p> <p>20 February 16 - excuse me - February 17, 2016?</p> <p>21 A Joe Maroney, I had to - - I was training</p> <p>22 him and he was starting at - - he was starting his job and</p> <p>23 he would call me if there was something he needed.</p> <p>24 Q Call you for advice or instructions?</p> <p>25 A Yeah. Yeah.</p>	<p style="text-align: right;">Page 47</p> <p>1 6:42, and 6:44, from Joe Maroney. Did your work schedule</p> <p>2 actually begin at 6:00, Mr. Ruffino?</p> <p>3 A Yeah. That's possible. Yeah.</p> <p>4 Q All right. Were you having any kind of</p> <p>5 mini-stroke when you got up that morning?</p> <p>6 A No.</p> <p>7 Q How did your right arm feel that morning?</p> <p>8 A Felt fine.</p> <p>9 Q Felt good?</p> <p>10 A Yeah.</p> <p>11 Q How about your right leg?</p> <p>12 A I didn't feel a thing.</p> <p>13 Q Didn't feel a thing.</p> <p>14 What time of the day did you first notice that</p> <p>15 you were having any dizziness that day?</p> <p>16 A 8:30.</p> <p>17 Q 8:30 in the morning?</p> <p>18 A Yeah. 8:00 or 8:30.</p> <p>19 Q Which one was it; 8:00 or 8:30?</p> <p>20 A 8:30.</p> <p>21 Q And where were you when you first noticed</p> <p>22 that you had some dizziness?</p> <p>23 A I was at - - I didn't notice it. I was</p> <p>24 told by a guy that works at the Smyrna store, Smyrna Home</p> <p>25 Depot.</p>
<p style="text-align: right;">Page 46</p> <p>1 Q Do you recognize this number now of</p> <p>2 347-804-2984 as Joe Maroney's number?</p> <p>3 A I don't know.</p> <p>4 Q You don't recall his number?</p> <p>5 A Yeah.</p> <p>6 Q You do know that you were working with a</p> <p>7 man named Joe Maroney?</p> <p>8 A Yeah.</p> <p>9 Q You'll notice that there are - - there's</p> <p>10 one at 6:08; there's one at 6:13; there's one at 6:42; and</p> <p>11 there's one at 6:44, all the same number.</p> <p>12 A Uh-huh.</p> <p>13 Q Do you see that?</p> <p>14 A Yeah.</p> <p>15 Q Do you recall having a series of calls or a</p> <p>16 discussion with Mr. Maroney that morning?</p> <p>17 A At 6:44, yeah.</p> <p>18 Q What happened at 6:44?</p> <p>19 A I probably told him what he had to do.</p> <p>20 Q I understood from what you told me earlier</p> <p>21 that your work day began at 7:00?</p> <p>22 A Yeah, but I'm not sure.</p> <p>23 Q Is it possible your work day actually began</p> <p>24 at 6:00? Because you got a call at 5:52 from Kenneth Gunn</p> <p>25 and then a series of phone calls, beginning 6:08, 6:11,</p>	<p style="text-align: right;">Page 48</p> <p>1 Q A guy at the Smyrna Home Depot told you you</p> <p>2 were dizzy?</p> <p>3 A Yeah. He said that - - he said that I</p> <p>4 looked funny or weird or something.</p> <p>5 Q Okay. Well, that to me is a little</p> <p>6 different than you feeling dizzy. My question was, when</p> <p>7 is the first time on the morning of February 17, 2016 that</p> <p>8 you felt any dizziness? What time was that?</p> <p>9 A I'm not sure.</p> <p>10 Q Where were you when you first felt any</p> <p>11 dizziness?</p> <p>12 A I was leaving the store and driving away.</p> <p>13 Q Leaving the Home Depot store?</p> <p>14 A Yeah.</p> <p>15 Q In Smyrna?</p> <p>16 A Yeah.</p> <p>17 Q Okay. Now, did you tell me that your</p> <p>18 company tracked your movements?</p> <p>19 A Yeah.</p> <p>20 Q So they would know when you were leaving</p> <p>21 the Smyrna Home Depot, wouldn't they?</p> <p>22 A Yeah.</p> <p>23 Q Can you tell me about what time it was that</p> <p>24 you were leaving the Smyrna Home Depot?</p> <p>25 A 8:00, 8:30.</p>



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1 Q 8:00 to 8:30. Okay.
2 In addition to you feeling some dizziness,
3 somebody told you that your face looked odd or weird?
4 A Yeah.
5 Q And you pointed to the right side of your
6 face.
7 A Yeah.
8 Q What did this person tell you?
9 A He didn't say anything. He just said, "You
10 don't look right."
11 Q "You don't look right"?
12 A Yeah.
13 Q Did you feel anything, perceive anything
14 when he said, "You don't look right"?
15 A No.
16 Q Did you feel like you were drooling out of
17 -
18 A No.
19 Q - that side of -
20 A No.
21 Q - your mouth?
22 A No.
23 Q Did you feel like you couldn't speak
24 correctly?
25 A No.

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1 Q Did you feel anything weird at all
2 yourself?
3 A Not really.
4 Q Okay. Well, did you say, "Well, thanks for
5 calling me weird"? Did you say something back to him?
6 A No, I didn't. I just drove off.
7 Q Who is this guy that commented you looked
8 weird?
9 A He's the guy that - - he's the guy that - -
10 he's the head of the - - he's the head of - - he's the
11 head of the - - he's the head of the building supply
12 department.
13 Q In Smyrna?
14 A Yeah.
15 Q Do you recall what it is that you picked up
16 at the Smyrna Home Depot that morning?
17 A No.
18 Q What time did you get to the Smyrna Home
19 Depot that morning?
20 A 7:30.
21 Q Was that the first stop of the day for you?
22 A Yes.
23 Q All right. And you didn't feel any
24 dizziness until you were leaving?
25 A Yes.

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1 Q Now, had you been lifting some pretty good
2 size parcels up into the back of your truck before you
3 felt some dizziness?
4 A Wasn't really anything big in there.
5 Q Nothing big, of any size?
6 A No.
7 Q All right. Why did you think it was okay
8 to be driving your company vehicle if you were dizzy? Why
9 did you do that?
10 A I was doing all right and then this
11 happened at the store.
12 Q What?
13 A This happened at the store.
14 Q Okay.
15 A It was the first time that I felt like it.
16 Q Okay. Describe what you mean by dizziness.
17 Lots of people have different symptoms. You've heard
18 people talking about feeling a room is spinning, haven't
19 you?
20 A I don't know.
21 Q No? Have you ever heard anybody talk about
22 a room spinning? Yes or no?
23 A No.
24 Q Had you been seated and you got up quickly
25 and you felt dizzy? Is that what happened?

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1 A I don't know.
2 Q You have no recollection? Can you tell all
3 of us here as we're listening to you how you felt dizzy?
4 Example, you were uncertain about putting one foot in
5 front of the other one, or you felt like things were
6 moving in front of your eyes? Tell us what your dizziness
7 was.
8 A I don't know.
9 Q From the time that dizziness began that you
10 can't describe for us at 8:00 or 8:30 in the morning, as
11 you're leaving the Home Depot, did it ever go away that
12 day?
13 A No.
14 Q Stayed with you all day?
15 A Yeah.
16 Q Did it change during the day?
17 A No. Well, yeah. Yes, it did. Ended up
18 being a stroke.
19 Q When did the dizziness change?
20 A I don't know.
21 Q All right. Where were you headed when you
22 left the Home Depot in Smyrna? Where was your next stop?
23 A I don't know.
24 Q If you look at your phone record that's in
25 front of you - -



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1 MR. GIDEON: And, ma'am, we're going to make
2 that Exhibit 1 to his deposition. There are plenty of
3 copies so we can mark the one he's got after we're
4 finished.
5 (DOCUMENT MARKED AS EXHIBIT 1 FOR IDENTIFICATION
6 AND IS ATTACHED HERETO.)
7 Q If you look down here, and if you'll find
8 the number 615-834-0694, do you see those calls at 7:05
9 and 7:36?
10 A Yeah.
11 Q That's the number for the Knob Hill
12 Apartments out there on Wallace Lane.
13 A Yeah.
14 Q Did you have a delivery to the Knob Hill
15 Apartments?
16 A I don't know.
17 Q How would we be able to confirm what your
18 delivery was supposed to be? Would we have to get these
19 records from your employer?
20 A Yeah.
21 Q Did you keep -
22 A No.
23 Q - the records or any bills of lading or
24 anything?
25 A Didn't have any.

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1 Q Okay. When you would deliver something,
2 whether it was big or small, would you get whoever
3 received it to sign for it?
4 A Yeah.
5 Q Do you recall making a delivery to the Knob
6 Hill Apartments on the morning of the 17th of February
7 2016?
8 A No.
9 Q Now, do you know where the Knob Hill
10 Apartments are?
11 A No.
12 Q Do you recall going anywhere after you left
13 the Home Depot?
14 A No.
15 Q Do you have any memory of where you next
16 stopped?
17 A Next stop I made was when I pulled into
18 part of like a driveway. That's it.
19 Q You pulled into a Convenient Care facility,
20 didn't you?
21 A I don't know about that.
22 Q You've seen these things, I'm sure, that
23 are extended hours clinics where there's a physician or a
24 nurse practitioner there until later hours than a typical
25 doctor's office?

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1 A Yeah.
2 Q Did you pull into one of those before the
3 ambulance picked you up?
4 A Don't know. Don't know.
5 Q Did you go inside and -
6 A No.
7 Q - see these people?
8 A No.
9 Q No?
10 A No.
11 Q Why did you pick that particular location
12 to pull in?
13 A I don't know. It was a fast pull in and
14 stop driving until the police got there.
15 Q Okay. Well, what made you decide to pull
16 in and stop driving? What had changed?
17 A I got a call from Gordon Lee.
18 Q Okay. Now, we've got an incoming call from
19 Gordon Lee here. Do you remember his telephone number?
20 A No. Not offhand.
21 Q Well, the answers to interrogatories that
22 your folks, your lawyers sent us told us under oath that
23 Gordon Lee's telephone number was 615-509-6512. Do you
24 see that?
25 A Yeah.

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1 Q There's a call from that number at 8:53 in
2 the morning.
3 A Yeah.
4 Q An incoming call.
5 A Yeah.
6 Q Do you know why Gordon Lee was calling you
7 that morning?
8 A He called me to tell me to pull off, pull
9 over.
10 Q So it's because he told you to pull over
11 that you pulled over into a driveway?
12 A Yeah.
13 Q And this is 8:53 in the morning -
14 A Yeah.
15 Q - according to Exhibit 1. What explanation
16 did Gordon Lee give you as to why he was telling you to
17 pull over?
18 A He told me that he got a call from the guy
19 from Home Depot.
20 Q All right. Why did Gordon Lee call you
21 back again at 9:23 in the morning? You'll see that,
22 Mr. Ruffino.
23 A I saw it.
24 Q Why did he call you back again at 9:23?
25 A I don't know.



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1 Q What questions did he ask you once he
2 called you on the phone, if any?
3 A I don't know what it means by "Plan allow,
4 call waiting."
5 Q I don't either. It just says "incoming"
6 which makes me think that he had called you.
7 A Makes me think that I didn't answer.
8 Q Pardon me?
9 A Makes me think that I didn't answer.
10 Q Well, but it shows three minutes, if you
11 look off to the right.
12 A Makes me think that I didn't answer.
13 Q You think he left a voicemail for you?
14 A Maybe.
15 Q All right. After you pulled over, do you
16 recall what happened next? Once you've pulled over
17 because he's called you and told you to do so, what
18 occurred next?
19 A Police showed up.
20 Q The police came?
21 A Yeah.
22 Q From what city?
23 A Smyrna.
24 Q Smyrna Police. Okay. Did they indicate to
25 you, Mr. Ruffino, that they had been dispatched there by

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1 somebody else; or did they just happen to stop and ask you
2 what you were doing?
3 A No. They was dispatched by somebody else.
4 Q Who dispatched them to come find you?
5 A I don't know.
6 Q How long was it after Mr. Lee called you
7 that you actually found a place where you could pull over?
8 A Immediately.
9 Q You were driving when he called you?
10 A Yeah.
11 Q You were not going to stop unless he told
12 you to?
13 A Yeah.
14 Q Right?
15 A Yeah.
16 Q Okay. So why did you drive for either an
17 hour or half an hour with dizziness? Why did you do that?
18 A I don't know.
19 Q Okay. Did the police take you to the
20 hospital?
21 A No.
22 Q If you had left the Smyrna Home Depot and
23 had driven for either a half an hour or an hour, how far
24 away did you get before you came to a stop?
25 A I don't know.

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1 Q What day of the week was this?
2 A I don't know.
3 Q Do you recall where you pulled over, what
4 city you were in when you pulled over?
5 A I knew it was in Smyrna.
6 Q It was in Smyrna itself?
7 A Yeah.
8 Q Okay. Did the police then take you to a
9 hospital?
10 A No.
11 Q What did they do for you?
12 A They had EMS come.
13 Q Did they call EMS then from that location?
14 A Yes.
15 Q Did they wait until EMS arrived?
16 A Uh-huh.
17 Q Yes?
18 A Yes.
19 Q Did they talk to you?
20 A Not that I know.
21 Q Did they just sit in their car and -
22 A I don't know.
23 Q - ignore you?
24 A I don't think so.
25 Q Did they ask you to get out of the car?

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1 A No. I was already out of the car.
2 Q You were out of the car when you pulled
3 over?
4 A Yes.
5 Q Standing up?
6 A Yes.
7 Q Walking around?
8 A Yes.
9 Q Talking on your phone?
10 A Yes.
11 Q Were you standing up, walking around and
12 talking on your phone when your wife called you?
13 A She didn't call me.
14 Q Your wife did not call you that morning?
15 A No. Wait. She called me - - no. She
16 called to get directions. She tried calling me and I
17 didn't answer.
18 Q Well, take a look at your incoming call
19 record. Tell me if this isn't correct. Your wife's
20 telephone number was 248-762-5356, wasn't it?
21 A Yeah.
22 Q There's a record here at 9:29 that there's
23 an incoming call from her that's two minutes in length.
24 Did you not pick up the call?
25 A Yeah.



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1 Q Why not?

2 A I don't know.

3 Q Were you on the phone with somebody else at

4 the time?

5 A I don't know.

6 Q Do you know from her how many times she

7 called you before being able to reach you?

8 A No.

9 Q Well, if her number is correctly 5356,

10 you'll see that there's an incoming call at 9:29 I just

11 mentioned to you for two minutes.

12 A Yeah.

13 Q But then there's an incoming call from that

14 same number at 9:53 for 11 minutes. Where were you when

15 she made that call?

16 A I don't know. I think I was - - I think I

17 was in the ambulance.

18 Q In the ambulance. Okay. How long from the

19 time the police arrived before the ambulance showed up?

20 A I don't know.

21 Q Do you remember anything, any content of an

22 11-minute phone call with your wife that morning?

23 A No.

24 Q How much time did you spend out of your

25 vehicle walking around, talking on the phone?

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1 A Half an hour.

2 Q And during that half an hour did you smoke

3 some cigarettes?

4 A No.

5 Q Not one?

6 A No. Not one.

7 Q Why is that?

8 A Because I had - - my cigarettes were in the

9 truck. I didn't have no cigarette pack.

10 Q In that half an hour did you have any

11 symptoms, any feelings other than being dizzy?

12 A No.

13 Q Did you feel any heaviness in your right

14 arm?

15 A No.

16 Q Any heaviness in your right leg?

17 A No.

18 Q Did you think you were talking funny?

19 A No.

20 Q Did you think you looked funny?

21 A No.

22 Q At any time that day, February 17th, did

23 you ever think you looked funny?

24 A No.

25 Q Did you ever think you'd had heaviness in

Page 63

1 your right arm?

2 A No.

3 Q Did you ever think you had heaviness in

4 your right leg?

5 A Yes. No.

6 Q No. Did you ever think that you were

7 talking funny?

8 A No.

9 Q You just had this dizziness?

10 A Yeah.

11 Q Okay. How many policemen were there in the

12 Smyrna Police vehicle?

13 A I only remember three.

14 Q Three policemen?

15 A Yeah.

16 Q In this day and time a lot of police

17 vehicles have those dashboard cameras.

18 A Yeah.

19 Q Do you recall if this vehicle had a

20 dashboard camera?

21 A No.

22 Q Do you recall them offering you anything,

23 whether it's water or coffee or a donut or anything, while

24 they were there?

25 A No.

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1 Q Did any of them get out and walk with you?

2 A Uh-huh.

3 Q Yes?

4 A Yes.

5 Q And were you walking such that if it did

6 have a dashboard camera you might have been walking in

7 front of the vehicle so that it could pick you up?

8 A Might have.

9 Q Might have?

10 A Yeah.

11 Q All right. You're there half an hour

12 walking around before the EMS people show up. Was it

13 Rutherford County EMS that came?

14 A I don't know.

15 Q Do you recall them coming with lights and

16 sirens?

17 A I don't remember.

18 Q How many were in the EMS vehicle?

19 A I don't know. Two, I think.

20 Q Excuse me?

21 A Two, I think.

22 Q Both male? One male, -

23 A I have no idea.

24 Q - one female?

25 A No idea.



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1 Q No idea. All right.
2 Now, before you left your home that morning did
3 you know something wasn't right?
4 A No.
5 Q Back in February of 2016, how many aspirins
6 did you normally take each day?
7 A One.
8 Q Did you take five aspirin the morning of
9 February 17 before you left the home?
10 A No.
11 Q That's false?
12 A Yes.
13 Q And you've never told anybody that?
14 A Yeah.
15 Q Okay. Did you keep aspirin in your work
16 truck?
17 A No.
18 Q Did you keep aspirin with you?
19 A No.
20 Q So there's no way you would've taken
21 aspirin if you didn't take it at home, correct?
22 A Yeah. Correct.
23 Q Do you recall telling a Dr. Chitturi that
24 you had taken five aspirin at home that morning?
25 A No.

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1 Q And if he wrote that down, that's false?
2 A Yes.
3 Q Did anybody come out from a HealthWorks,
4 U.S. HealthWorks Urgent Care Clinic at 1332 Hazelwood
5 Drive in Smyrna, Tennessee, and talk to you or look in on
6 you after you had pulled into their driveway?
7 A No.
8 Q Do you recall there being an Urgent Care
9 Clinic where you were picked up?
10 A No.
11 Q All right. Now, when the folks got there
12 from EMS, did they ask you questions, ask you to tell them
13 what's been going on with you?
14 A They might have been.
15 Q Do you recall them asking you any
16 questions?
17 A No.
18 Q Let me ask you if you told them this.
19 Before I do that, did they arrive at your location at 9:32
20 in the morning?
21 A I don't know.
22 Q If their records reflect that they were at
23 either location at 9:32, you wouldn't argue with that,
24 would you?
25 A No.

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1 Q Okay. Did you tell the folks with the
2 Rutherford County EMS that you had a medical history of
3 seizures?
4 A No.
5 Q Did you tell them that you were driving and
6 got dizzy and thought you were going to pass out?
7 A At that time I did, yeah.
8 Q Did you tell them that?
9 A Yeah.
10 Q Did you tell them that you called your
11 boss?
12 A I don't know.
13 Q Did you tell them that your boss told you
14 to pull over and call 9-1-1?
15 A That he was going to call 9-1-1.
16 Q What they have recorded here is that you
17 said you called your boss and he told you to pull over and
18 call 9-1-1. Is that what you reported to them?
19 A No.
20 Q You didn't call 9-1-1 at any time, did you?
21 A No.
22 Q Which hospitals did you go by as you went
23 from the Smyrna Home Depot to 1332 Hazelwood in Smyrna?
24 A No idea.
25 Q Do you know if you went actually by two

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1 hospitals?
2 A No idea.
3 Q Okay. Did you tell the folks at the
4 Rutherford County EMS that you started having seizures in
5 November of last year? Did you say that?
6 A Yeah.
7 Q Did you tell them that you forgot to take
8 your medications last night?
9 A No, I don't know.
10 Q You didn't say that or you don't know?
11 A I don't know.
12 Q Okay. Did you tell them that you had a
13 medical history of high blood pressure and high
14 cholesterol?
15 A Yes.
16 Q Did you tell them - -
17 A I don't know. I don't know if I told them.
18 Q Do you recall them commenting that your
19 speaking seemed slurred but you stated, "that has been
20 normal for him since December of last year"?
21 A No.
22 Q Did you say that?
23 A No.
24 Q Definitely?
25 A I don't recall.



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1 Q Don't recall?
2 A No.
3 Q There is a difference between saying it
4 didn't happen or you don't remember. Which one is it?
5 A I don't remember it.
6 Q Okay. Were you having what you thought was
7 slurred speech at that time?
8 A I don't know.
9 Q Did you ever have what you thought was
10 slurred speech on February 17, 2016?
11 A Yes.
12 Q When?
13 A When I went to - - the EMS took me to the
14 hospital.
15 Q When did the slurred speech start?
16 A I don't know what time. I can't tell you
17 what time.
18 Q It's important for you to be able to tell
19 me. If you can't, I understand. But what I want to know
20 is, when do you recall you first having what appeared to
21 you to be slurred speech on February 17, 2016?
22 A I don't know.
23 Q Do you think, from what I've just read to
24 you, that you had some slurred speech when EMS was present
25 but you told them that was normal?

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1 A No, I didn't.
2 Q Huh?
3 A No, I didn't.
4 Q You definitely didn't say that?
5 A Did not.
6 Q Is your speech today the same way it was in
7 February of 2016?
8 A No.
9 Q How is it different today?
10 A I don't know. I don't know how it's
11 different.
12 Q You don't?
13 A I could talk then.
14 Q You could talk better then than you talk
15 now?
16 A Yes.
17 Q Okay. Can you think of any reason why the
18 EMS people at Rutherford County would not accurately
19 record what you told them?
20 A I don't know.
21 Q Okay. How much time did it take before you
22 got to a hospital?
23 A I don't know.
24 Q Do you know why you were taken to
25 StoneCrest Medical Center?

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1 A Don't know.
2 Q Did you ask the Rutherford County EMS
3 people to take you somewhere else?
4 A No.
5 Q Did you ask the Rutherford County EMS
6 people to take you to, as an example, University Medical
7 Center?
8 A No.
9 Q What did you know about StoneCrest Medical
10 Center on the morning of February 17, 2016?
11 A No idea.
12 Q Had you ever been there before?
13 A Never.
14 Q Sir?
15 A Never.
16 Q Okay. Did you have any idea who operated
17 the hospital?
18 A No.
19 Q Did you have any idea whether they hired
20 doctors or not?
21 A No.
22 Q Did you have any idea whether they were a
23 stroke center or not?
24 A No.
25 Q Did you have any idea whether they had any

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1 medications for stroke or not?
2 A No.
3 Q You had nothing to do with the decision to
4 go to StoneCrest?
5 A No.
6 Q Correct?
7 A Yes.
8 Q Okay. And you would have been fine
9 wherever Rutherford County EMS wanted to take you?
10 A They would have taken me anywhere.
11 Q You would have gone along with that?
12 A Anywhere.
13 Q And you're sure they never asked you?
14 A No. I don't.
15 Q Let me ask you a question. You told me
16 that the company that had a contract to do deliveries, JTA
17 Transport, did not pay you fringe benefits; but when you
18 were admitted to StoneCrest you were listed as being under
19 an insurance policy with UnitedHealthcare, policy number
20 950404828, group number 904957. Who provided that policy?
21 A I did.
22 Q And had you had it for some time privately,
23 personally?
24 A No. It's been a year since that,
25 ObamaCare.



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1 Q Okay. So had you signed up for that
2 through one of those exchanges, the ObamaCare exchange?
3 A Yeah.
4 Q Okay. And one of the nice things about
5 ObamaCare was that it limited your out-of-pocket expense
6 to no more than \$7,500, didn't it?
7 A Uh-huh.
8 Q Yes?
9 A Yes.
10 Q Guarantee no more than \$7,500?
11 A Yes.
12 Q So all these medical expenses that you've
13 had, how much have you actually paid yourself?
14 A I haven't paid nothing.
15 Q You've paid zero, right?
16 A Yeah.
17 Q And the ObamaCare policy has paid for
18 everything else?
19 A Yes.
20 Q Yes?
21 A Yes.
22 Q Are you still insured under that
23 UnitedHealthcare plan?
24 A No. No.
25 Q Who insures you now?

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1 A Blue Cross, Anthem.
2 Q Anthem of Kentucky?
3 A Yes.
4 Q Now, before you got in the ambulance and
5 were transported to a hospital, were you ever able to
6 speak to your wife to let her know what was going on?
7 A I would have, but I didn't have any way of
8 contacting her.
9 Q I'm sure you would have liked to have
10 talked to her. My question was, were you able to speak
11 with her before they transported you somewhere?
12 A I was not able to talk to her.
13 Q Did you try calling her back the half an
14 hour you were wandering around there?
15 A No.
16 Q Why not?
17 A Couldn't.
18 Q Why?
19 A Because I couldn't answer the phone.
20 Q Why not?
21 A Because I was with the EMS.
22 Q Okay. Did they strap you down in the back
23 of that ambulance?
24 A I don't know.
25 Q Do you recall if they made an IV line, put

Page 75

1 an IV line in your arm?
2 A I don't know.
3 Q Do you recall them doing anything for you
4 other than driving you in a vehicle somewhere?
5 A Don't recall.
6 Q Do you even recall being in it?
7 A I don't recall.
8 Q You don't recall at all, do you?
9 A Nothing.
10 Q What time did you arrive at StoneCrest
11 Medical Center?
12 A I don't know.
13 Q Let me ask you some questions before we
14 leave the morning of February 17. Is it correct that on
15 the morning of February 17 you had what you recognized to
16 be dizziness and slurred speech at 8:00 in the morning?
17 A No.
18 Q Not slurred speech but dizziness?
19 A Yeah, dizziness.
20 Q Okay. Is it correct that you had been
21 having problems with not being able to speak correctly and
22 facial weakness for a month before February 17, 2016? Is
23 that true?
24 A No.
25 Q And you've never told anybody that, right?

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1 You wouldn't have told somebody something that inaccurate,
2 would you?
3 A I would have told my wife.
4 Q Do you remember a Dr. Michael Nottidge at
5 Centennial?
6 A No.
7 Q Did you tell Dr. Nottidge that as you were
8 getting ready to go to work your wife noted you were not
9 speaking normally and that you were confused? Did you
10 ever tell him that?
11 A Who's - - I don't know who the doctor is.
12 Q Do you recall ever telling a doctor at
13 Centennial, specifically Michael Nottidge or anyone else,
14 that on the morning of February 17 as you were getting
15 ready to go to work your wife noted you were not speaking
16 normally and that you were confused?
17 A No.
18 Q That didn't happen?
19 A No.
20 Q Did you tell Dr. Nottidge that while you
21 were at work at 8:00 in the morning you had increased
22 right-sided weakness and an inability to speak? Did you
23 ever tell him that?
24 A I don't know.
25 Q Why would you tell him that if it wasn't



<p style="text-align: right;">Page 77</p> <p>1 true?</p> <p>2 A I don't know.</p> <p>3 Q What time did you arrive at StoneCrest?</p> <p>4 A I'm not sure.</p> <p>5 Q Were you brought in on a stretcher?</p> <p>6 A Yeah.</p> <p>7 Q Do you recall what the person looked like</p> <p>8 who was the first one to greet you?</p> <p>9 A No.</p> <p>10 Q Male or female?</p> <p>11 A Neither. I don't know.</p> <p>12 Q Either one. Do you know what room you were</p> <p>13 placed in in the emergency room?</p> <p>14 A No, I don't.</p> <p>15 Q Have you ever tried to write out, type out,</p> <p>16 or dictate what you recall of February 17th?</p> <p>17 A No.</p> <p>18 Q Have you ever seen this thing that's in</p> <p>19 your wife's handwriting?</p> <p>20 A Uh-huh.</p> <p>21 Q Have you seen that?</p> <p>22 A Yeah.</p> <p>23 Q When did you first see this document in</p> <p>24 your wife's handwriting?</p> <p>25 A When I saw it like that, like that,</p>	<p style="text-align: right;">Page 79</p> <p>1 whose name is Mark Rinehart?</p> <p>2 A Don't recall.</p> <p>3 Q Do you recall there being an IV line in</p> <p>4 your left or right arm?</p> <p>5 A Don't recall.</p> <p>6 Q Do you recall being able to walk to the</p> <p>7 restroom there at 10:30 in the morning on your own power?</p> <p>8 A Don't recall.</p> <p>9 Q Were you able to walk on your own?</p> <p>10 A No.</p> <p>11 Q Not. Were you able to walk to the bathroom</p> <p>12 and use the regular toilet on your own?</p> <p>13 A No.</p> <p>14 Q Do you recall having a second CAT scan in</p> <p>15 the afternoon?</p> <p>16 A I don't recall.</p> <p>17 Q Do you recall going back and forth to the</p> <p>18 restroom without assistance and asking for food and being</p> <p>19 given a sandwich, chips and drink to eat?</p> <p>20 A Don't recall.</p> <p>21 Q Do you recall eating anything there?</p> <p>22 A Nothing.</p> <p>23 Q Tell me, from the time you arrived at</p> <p>24 StoneCrest until the time you were transported to</p> <p>25 Centennial Medical Center, tell me if you remember</p>
<p style="text-align: right;">Page 78</p> <p>1 recently.</p> <p>2 Q Just recently?</p> <p>3 A Yes.</p> <p>4 Q You didn't see it back on February 17,</p> <p>5 2016, -</p> <p>6 A No.</p> <p>7 Q - did you?</p> <p>8 A No.</p> <p>9 Q When was this thing written?</p> <p>10 A I don't know.</p> <p>11 Q Did you prepare anything like this?</p> <p>12 A No.</p> <p>13 Q Okay. Now, what do you recall, what tests?</p> <p>14 We'll take those one by one. What tests do you remember</p> <p>15 being performed on you at StoneCrest, in order?</p> <p>16 A I don't recall any.</p> <p>17 Q Don't recall any?</p> <p>18 A No.</p> <p>19 Q Okay. Do you recall there being a chest</p> <p>20 x-ray being done on you?</p> <p>21 A Don't recall.</p> <p>22 Q No recall. Do you recall a CT scan being</p> <p>23 done?</p> <p>24 A Don't recall.</p> <p>25 Q Do you recall being introduced to a person</p>	<p style="text-align: right;">Page 80</p> <p>1 anything.</p> <p>2 A Nothing.</p> <p>3 Q Zero?</p> <p>4 A Zero.</p> <p>5 Q Why? Why is that?</p> <p>6 A I don't know. I don't remember anything.</p> <p>7 Q Well, when you got to Centennial what do</p> <p>8 you remember on February 17?</p> <p>9 A Nothing.</p> <p>10 Q When is the first time you actually begin</p> <p>11 to remember things?</p> <p>12 A I begin to remember being in</p> <p>13 rehabilitation.</p> <p>14 Q Is that when you first remembered things?</p> <p>15 A That's when I remember things.</p> <p>16 Q And that was at a nursing home, wasn't it?</p> <p>17 A Yeah.</p> <p>18 Q Okay. Do you recall being admitted to</p> <p>19 Centennial and being discharged?</p> <p>20 MR. CUMMINGS: Are you okay?</p> <p>21 THE WITNESS: Yeah, I think so.</p> <p>22 MR. CUMMINGS: Okay. I just asked him that</p> <p>23 because his arm was shaking. I'm sorry to interrupt you.</p> <p>24 Q Do you recall being at Centennial, being</p> <p>25 discharged and going home, then coming back?</p>

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1 A No.
2 Q Do you recall falling at home while you
3 were trying to go to the bathroom and then coming back to
4 Centennial and being much, much worse than you were
5 before?
6 A Yes.
7 Q You do remember that?
8 A Yes.
9 Q Tell us about that then. What happened at
10 home, first of all?
11 A I was in bed sleeping.
12 Q Okay. Sleeping okay?
13 A Yeah.
14 Q Probably pretty tired after being in the
15 hospital for awhile, I would think?
16 A Yeah.
17 Q You tried to get up to go to the bathroom?
18 Yes?
19 A Yes.
20 Q And how had you fallen?
21 A I fell backwards.
22 Q Did you hit the back of your head?
23 A Yes.
24 Q Did you go all the way down?
25 A Yes.

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1 Q Then what happened?
2 A Then I sat down on a chair.
3 Q I'm sorry?
4 A I sat down on a chair.
5 Q Sat down in a chair?
6 A Yeah.
7 Q And how long did you stay seated in that
8 chair?
9 A I don't know.
10 Q The records show that you didn't come back
11 to the emergency room at Centennial for either 14 or 19
12 hours. Does that sound right? Quite awhile?
13 A Yeah.
14 Q Why did you not go back for at least half a
15 day, maybe two-thirds or three-quarters of a day, after
16 falling, hitting the back of your head?
17 A I don't know.
18 Q The records at Centennial for that second
19 admission also say that you were getting worse throughout
20 the day. Is there a reason why you didn't go back to see
21 the doctors?
22 A Sleep.
23 Q Sleep?
24 A Yeah.
25 Q Well, if you were getting worse throughout

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1 the day, you certainly should have gone back, don't you
2 think?
3 A Yeah.
4 Q Why wouldn't you?
5 A Don't know.
6 Q When you got to Centennial do you recall
7 having any discussion with a physician whose name is
8 Valdivia?
9 A Yeah.
10 Q Okay. Tell us what Dr. Valdivia told you.
11 A He told - - he told me not to go
12 to UnitedHealthcare. Not to go to - -
13 MR. CUMMINGS: When you look at me, what are
14 you - - are you trying to communicate something?
15 THE WITNESS: No.
16 MR. CUMMINGS: You're allowed to take a break,
17 but you're going to need to answer his question first, if
18 you're looking at me for a break. You remember?
19 THE WITNESS: I'll need one after this.
20 MR. CUMMINGS: That's perfect. You've got a
21 question pending so do your best.
22 A Say it again.
23 Q Sure. I will remind you, this is, as I
24 told you earlier, I just need you to tell me if you need a
25 break for personal comfort.

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1 A Yeah.
2 Q Any time you want to do that, just tell me;
3 and as I said at the beginning, if you'll just answer the
4 question that's pending, this one, you can take a break,
5 get a cup of coffee, walk around outside if you want to.
6 All right?
7 A Okay.
8 Q Now, here's the question: What did Dr.
9 Valdivia tell you at Centennial and when did he speak with
10 you?
11 A He told me that they should not have sent
12 me to the healthcare facility in Lebanon. What is it
13 called?
14 Q University Medical Center.
15 A University Medical Center.
16 Q Okay. Who's "they"?
17 A Whoever sent me over there.
18 Q That was Dr. Efobi that sent you there,
19 right?
20 A Uh-huh.
21 Q Yes?
22 A Yes.
23 Q Okay. Now, when did Dr. Valdivia tell you
24 that? First or second admission to Centennial?
25 A I don't remember.



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1 Q Do you recall Dr. Valdivia ever telling you
2 anything else other than what you just told me?
3 A No.
4 Q All right.
5 Do you know where the bathroom is, Mr. Ruffino?
6 A Yeah.
7 Q Okay. Well, do you want to take a break
8 now?
9 A Yes. Please.
10 Q All right. Fine.
11 - - - - (OFF THE RECORD) - - - -
12 (Direct Examination continues by Mr. Gideon:)
13 Q Are you feeling more comfortable now that
14 we've had a break?
15 A Doing good.
16 Q Have you identified any of the testimony
17 you've given me so far that's wrong and needs to be
18 changed?
19 A I don't know.
20 Q I'll ask the question directly. Can you
21 point to any testimony you've given me under oath that you
22 know needs to be changed because it's not correct?
23 A I don't know.
24 Q Okay. Have you taken any medications since
25 we started talking this morning?

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1 A No, I haven't.
2 Q So there's nothing that's going to affect
3 your memory?
4 A No.
5 Q Do you know of anything that would make
6 your memory better?
7 A No.
8 Q Does your memory get worse with the passage
9 of time?
10 A No.
11 Q Does it get better with the passage of
12 time?
13 A No.
14 Q It just stays the same even though time
15 goes by?
16 A That's right.
17 Q Okay. When you first arrived at StoneCrest
18 Medical Center, do you recall being introduced to a person
19 whose name is Carol McCullough?
20 A No.
21 Q Do you recall telling the very first nurse
22 at StoneCrest that you'd begun having dizziness while
23 driving and you had a history of seizures?
24 A No.
25 Q You don't recall that either way?

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1 A No.
2 Q Do you recall whether you were fatigued or
3 not when you arrived at StoneCrest?
4 A No.
5 Q You don't recall one way or the other?
6 A No.
7 Q Were you able to move your upper arms?
8 A I would think - - I don't know.
9 Q You don't know?
10 A No.
11 Q Were you able to move your legs?
12 A I don't know.
13 Q Was there one particular nurse that spent
14 the most time with you on the morning of February 17,
15 2016?
16 A No.
17 Q Were you taken care of by a male nurse at
18 any time?
19 A No.
20 Q Do you recall telling a nurse at 10:00 that
21 you had experienced dizziness, that you had called your
22 boss while you were on your way to work and told your boss
23 that you were feeling dizzy and that you had not taken
24 your Neurontin that morning? Do you recall telling that?
25 A No.

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1 Q What I just read to you is actually
2 correct, isn't it?
3 A No.
4 Q Did you tell the folks at StoneCrest that
5 your boss had called 9-1-1 and told you to pull over?
6 A No.
7 Q What did you tell them? Then if that's not
8 right, what did you tell them as to why you were there?
9 A Didn't tell them anything.
10 Q Did they ask you any questions?
11 A I don't know.
12 Q If they asked you any questions, did you
13 just sit still and not answer?
14 A I do not know.
15 Q You don't recall. Do you recall anybody at
16 StoneCrest ever asking you what the month was and what
17 your age was?
18 A No.
19 Q Do you recall anyone at StoneCrest ever
20 asking you to open or close your eyes?
21 A No.
22 Q Do you recall anyone at StoneCrest ever
23 asking you to check your grip by squeezing their finger?
24 A No.
25 Q You don't remember that either?



Page 89

1 A No.

2 Q Could they have done that and you don't

3 recall?

4 A Could have.

5 Q Huh?

6 A They could have.

7 Q How many times?

8 A I don't know.

9 Q Many times, right?

10 A I don't know.

11 Q Do you recall anybody checking your eyes at

12 StoneCrest using a small pen light?

13 A No.

14 Q They could have, correct?

15 A I don't know.

16 Q Could have; you just don't remember?

17 A Don't remember.

18 Q Do you recall anybody at StoneCrest

19 actually checking to see if you could hold your right arm

20 up?

21 A I don't know.

22 Q Could have? Yes?

23 A Could've. Could've not.

24 Q Do you recall anybody at StoneCrest

25 checking to see if you could hold your left arm up?

Page 90

1 A I don't know.

2 Q Could have?

3 A Could've. Could've not.

4 Q Do you recall anybody at StoneCrest asking

5 you to push against their hand with your right foot?

6 A I don't know.

7 Q Could've occurred?

8 A I don't know.

9 Q Could have occurred; you just don't

10 remember?

11 A I don't remember.

12 Q Okay. Do you recall anybody at StoneCrest

13 asking you to push your left foot against their hand?

14 A I don't remember.

15 Q You don't recall that occurring?

16 A No.

17 Q Do you recall whether you were able to hold

18 your left leg up?

19 A I don't remember.

20 Q Do you recall if you were able to hold your

21 right leg up?

22 A Don't remember.

23 Q Do you recall anybody checking that?

24 A Don't remember.

25 Q Do you recall having any difficulty

Page 91

1 speaking to people while you were at StoneCrest?

2 A Don't remember.

3 Q Okay. Do you recall anybody checking to

4 see if you could swallow fluids?

5 A Don't remember.

6 Q Could've occurred?

7 A Could've. Could've not.

8 Q Okay. Do you recall eating a sandwich,

9 chips and a drink?

10 A No.

11 Q Do you recall using the bathroom even one

12 time on your own power while you were at StoneCrest?

13 A No.

14 Q That could have happened, couldn't it?

15 A I don't know.

16 Q Do you recall your wife leaving the

17 hospital and going outside to charge her phone?

18 A I don't remember.

19 Q What time did your wife arrive at

20 StoneCrest Medical Center?

21 A I don't remember.

22 Q Do you recall her ever coming there?

23 A I don't remember.

24 Q What?

25 A I don't remember.

Page 92

1 Q The truth is you do not recall your wife

2 ever being at StoneCrest, do you?

3 A I don't remember.

4 Q Okay. Did you tell anybody at StoneCrest

5 Medical Center before 11:00 that morning that you had been

6 taking Neurontin for four days for spells?

7 A Don't remember.

8 Q Do you recall telling anybody at StoneCrest

9 Medical Center before 11:00 that morning that those spells

10 had been going on for a whole month?

11 A Don't remember.

12 Q Do you recall ever seeing a physician who

13 introduced himself to you as Clark Archer?

14 A Don't remember.

15 Q Do you recall telling Clark Archer that

16 your symptoms came and went?

17 A Don't remember.

18 Q Do you recall Dr. Archer asking you any

19 questions?

20 A Don't remember.

21 Q Do you recall meeting another physician who

22 introduced himself to you as Chitturi?

23 A Don't remember.

24 Q Do you remember anything about your

25 symptoms there?



Page 93

1 A Don't remember.

2 Q Do you recall participating in a discussion

3 to transfer you to another hospital?

4 A Don't remember.

5 Q Do you recall at any time speaking with a

6 nurse, a female nurse, in the afternoon about who was

7 going to transport you and where you were going to go?

8 A I don't remember.

9 Q Do you recall seeing a Dr. Ron Wilson at

10 Centennial?

11 A I remember seeing him.

12 Q Yes?

13 A Yes.

14 Q Were you satisfied with Dr. Ron Wilson's

15 care?

16 A Yes.

17 Q Do you recall a discussion with him on

18 February 20th and again on February 21st?

19 A Huh-uh.

20 Q You don't recall the dates?

21 A No.

22 Q Tell me what you remember Dr. Wilson

23 sharing with you.

24 A I don't remember.

25 Q Okay. Do you recall Dr. Wilson telling you

Page 94

1 that there was only a partial blockage in a vessel?

2 A No.

3 Q Okay. Once you got to Centennial, do you

4 remember you were better the next day?

5 A No.

6 Q Do you recall that the doctors at

7 Centennial let your blood pressure stay high and put you

8 flat in a bed?

9 A No. I don't recall.

10 Q Okay. Do you recall being able to say

11 words on the 18th, day after you were admitted?

12 A I don't recall.

13 Q Do you recall that you were able to walk

14 around without assistance by the 21st?

15 A I don't recall.

16 Q Do you recall that you continued to get

17 better and better and better until you were discharged

18 from the hospital?

19 A I don't recall.

20 Q At the time of your discharge from the

21 hospital do you recall that insurance company that you had

22 denied permission for you to go to a rehabilitation

23 facility?

24 A Don't recall.

25 Q All right. Do you recall that on February

Page 95

1 26, the day of your discharge, you were able to walk,

2 talk, and function without limitations?

3 A Don't recall.

4 Q No recall.

5 What did the doctors tell you when they

6 discharged you that they wanted you to do when you were

7 home?

8 A Don't recall.

9 Q When you came back on February 27th do you

10 recall telling them that you now had dysfunction in your

11 eyes?

12 A No.

13 Q Do you recall telling them that your

14 difficulty speaking had become much worse?

15 A Don't recall.

16 Q Do you recall telling them that you had

17 much worse right-sided weakness on February 27?

18 A Don't recall.

19 Q And do you recall telling them that you had

20 fallen at 4:30 in the morning on February 27 and you had

21 gotten worse all day?

22 A Don't recall.

23 Q Do you recall not coming back to the

24 hospital until 1949 that evening, which is 15 hours later?

25 A Don't recall.

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1 Q After you went to rehab and you were

2 discharged, do you recall seeing a doctor named Andre

3 Olivier, Olivier or Olivier?

4 A Yes.

5 Q A heart doctor at St. Thomas Health?

6 A Yes.

7 Q What made you decide to go see him?

8 A Because - - I don't know.

9 Q Okay. Do you recall telling him that your

10 father had died of a heart attack when your dad was in his

11 50s?

12 A I remember telling him that.

13 Q Is that true?

14 A Yeah.

15 Q How about the other males in your family?

16 Are you the - - are you the only boy in your group?

17 A No.

18 Q How many brothers did you have?

19 A Two brothers.

20 Q Two brothers. Are they still alive?

21 A Yes.

22 Q Where are they now?

23 A One's in Fresno and one's in Minnesota.

24 Q One's in where?

25 A California.



<p style="text-align: right;">Page 97</p> <p>1 Q Fresno, California?</p> <p>2 A Yeah.</p> <p>3 Q Okay. And one's in Minnesota?</p> <p>4 A Yeah.</p> <p>5 Q Have either of them had heart attacks?</p> <p>6 A No.</p> <p>7 Q Have either of them had strokes?</p> <p>8 A No.</p> <p>9 Q Are either of them overweight?</p> <p>10 A No.</p> <p>11 Q Now, what's your current weight?</p> <p>12 A 250.</p> <p>13 Q And you're 5'5"?</p> <p>14 (WITNESS NODS YES INDICATING THE AFFIRMATIVE.)</p> <p>15 Q Do you recall Dr. - - is it Olivier or</p> <p>16 Olivier?</p> <p>17 A Olivier.</p> <p>18 Q Olivier. Do you recall Dr. Olivier telling</p> <p>19 you you had what's called morbid obesity?</p> <p>20 A No.</p> <p>21 Q Do you know what morbid obesity is?</p> <p>22 A Yeah.</p> <p>23 Q Being really, really heavy?</p> <p>24 A Yeah.</p> <p>25 Q Do you understand that you do have that</p>	<p style="text-align: right;">Page 99</p> <p>1 could get - -</p> <p>2 A Have no clue on that.</p> <p>3 Q No clue on that.</p> <p>4 Did you tell him that you felt you could not get</p> <p>5 a deep enough breath?</p> <p>6 A No.</p> <p>7 Q Do you recall him telling you that your</p> <p>8 difficulty with air hunger had nothing to do with your</p> <p>9 stroke?</p> <p>10 A No.</p> <p>11 Q How do you experience air hunger today?</p> <p>12 What are your circumstances where you feel like you can't</p> <p>13 get a deep breath?</p> <p>14 A I don't know.</p> <p>15 Q Well, today, for example, as you were</p> <p>16 walking in from your vehicle, did you feel like you didn't</p> <p>17 have enough air?</p> <p>18 A No.</p> <p>19 Q Were you comfortable walking along -</p> <p>20 A Yes.</p> <p>21 Q - using your - - is that a four point cane?</p> <p>22 A Yes, it is. Felt fine.</p> <p>23 Q All right. What are the experiences then</p> <p>24 when you feel air hunger? What are you doing when you</p> <p>25 feel it?</p>
<p style="text-align: right;">Page 98</p> <p>1 condition?</p> <p>2 A Yeah.</p> <p>3 Q Are you not able to control your weight?</p> <p>4 A Yeah.</p> <p>5 Q Were you not able to control your weight</p> <p>6 before your stroke?</p> <p>7 A I was at 220 then.</p> <p>8 Q You weighed 250 before your stroke, didn't</p> <p>9 you?</p> <p>10 A No.</p> <p>11 Q No?</p> <p>12 A No.</p> <p>13 Q Well, when you went to see Dr. Olivier, do</p> <p>14 you recall telling him that you were having sudden bouts</p> <p>15 of air hunger where you couldn't feel like you could get a</p> <p>16 breath?</p> <p>17 A What I have now.</p> <p>18 Q Is that what you have now?</p> <p>19 A Yeah.</p> <p>20 Q Do you recall telling Dr. Olivier that's</p> <p>21 what you were having back in October of 2016?</p> <p>22 A No. Yeah. Yeah. Yeah.</p> <p>23 Q Okay. And do you recall that that was</p> <p>24 occurring throughout the day both when you were awake and</p> <p>25 when you were sleeping, where you never felt like you</p>	<p style="text-align: right;">Page 100</p> <p>1 A Laughing.</p> <p>2 Q Laughing?</p> <p>3 A Yeah.</p> <p>4 Q Okay. Anything else that makes you feel</p> <p>5 air hunger?</p> <p>6 A No.</p> <p>7 Q All right. Now, Dr. Olivier put what's</p> <p>8 called a loop recorder in you, correct?</p> <p>9 A Yeah.</p> <p>10 Q Is it still in place?</p> <p>11 A Yes.</p> <p>12 Q Does somebody periodically connect to that</p> <p>13 loop recorder and download the information?</p> <p>14 A Yes.</p> <p>15 Q How often does that happen?</p> <p>16 A Every day.</p> <p>17 Q How do you connect to a computer or a</p> <p>18 telephone so they can download that information each day?</p> <p>19 A A little mouse-like thing.</p> <p>20 Q Mouse-like thing?</p> <p>21 A Yeah.</p> <p>22 Q Do you have to touch it -</p> <p>23 A Yes.</p> <p>24 Q - to a probe or an electrode?</p> <p>25 A Electrode probe.</p>



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1 Q Right there in the middle?
2 A Yeah.
3 Q And you just connect a wire to it?
4 A No.
5 Q Is there a mouse-like thing that connects
6 to that probe and then the mouse sends the information to
7 somebody?
8 A Say that again.
9 Q Sure. How does the information that's on
10 the loop recorder get to a doctor?
11 A Goes to that device and then just put on
12 the phone and it goes to that doctor.
13 Q And are you still receiving care from Dr.
14 Olivier?
15 A Yes.
16 Q When is the last time you saw Dr. Olivier?
17 A A year ago. November.
18 Q Well, looking at the records that we've
19 been able to get, your first visit with him was on October
20 6, 2016. Then you saw him November 14, 2016. You were
21 supposed to return on February 4, 2017. Did you go back
22 and see him this year?
23 A No. We haven't seen him this year.
24 Q So you're not currently under his care
25 then?

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1 A I don't know. I still load up and download
2 it.
3 Q Well, we won't spend any time arguing about
4 whether you're still under his care since you haven't gone
5 back to see him this year, but is there any other heart
6 doctor caring for you?
7 A No.
8 Q Do you recall Dr. Olivier telling you that
9 you had what he thought was atrial fibrillation?
10 A No.
11 Q Is there a neurologist taking care of you
12 in this area other than Dr. Dongas?
13 A No.
14 Q I asked you this earlier, but I still don't
15 quite understand. What made you decide to move here?
16 There are no kids here, right?
17 A Right.
18 Q The friend that was here died a couple
19 years ago, right?
20 A Yeah. She just died.
21 Q Died in September of this year?
22 A Yeah.
23 Q Okay. Other than her, what brought you to
24 Mayfield, Kentucky?
25 A Nobody.

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1 Q Nothing?
2 A Nothing.
3 Q You've never lived here before?
4 A No.
5 Q You don't have family here?
6 A No.
7 Q No kin of any kind?
8 A None.
9 Q Your disability benefits pay you how much
10 per month?
11 A 1980.
12 Q How long has it been 1980?
13 A Same. It's been the same.
14 Q Well, in your answers to interrogatories I
15 think you said 1800.
16 A That's - - 1980, 1800, it's about the
17 same.
18 Q About the same -
19 A Yes.
20 Q - give or 190 or 180 dollars?
21 A Yeah.
22 Q Has it been the same since you got
23 disability?
24 A Yeah.
25 Q You applied for Social Security Disability

Page 104

1 benefits when?
2 A 2016.
3 Q Did you apply in Tennessee or here?
4 A Tennessee.
5 Q Were you paid a lump sum amount of money
6 when they first started paying you benefits?
7 A They started paying me benefits as it goes
8 on every month.
9 Q Well, here's what I'm talking about,
10 Mr. Ruffino. If, for example, somebody applies for
11 disability benefits on February 1st of 2017, there's
12 usually a gap before they're approved; and then, if
13 they're approved, the government will send a lump sum
14 check that would have covered those months after the
15 application to you. Do you recall getting a lump sum
16 check?
17 A I don't recall.
18 Q Does your wife also get disability benefits
19 too?
20 A Yes.
21 Q How much does she get each month?
22 A I don't know.
23 Q Is she disabled from working?
24 A Yes.
25 Q How?



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1 A COPD.
2 Q What?
3 A She has COPD.
4 Q From smoking?
5 A Yeah.
6 Q How long has she had disabling COPD?
7 A I don't know. She's had it for two, three
8 years.
9 Q So she was disabled from working?
10 A Four years.
11 Q Pardon me?
12 A Four years maybe.
13 Q She was disabled from working before your
14 stroke due to COPD?
15 A Yeah.
16 Q She'd been getting disability benefits
17 before you did, then?
18 A Yeah.
19 Q And you don't have any idea how much it is?
20 A Not offhand.
21 Q Can you approximate it for me?
22 A 900.
23 Q Okay. Are you and your wife making more
24 money now from disability benefits than you were making
25 when you worked for JTA Transport?

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1 A No.
2 Q How much did you take home from JTA
3 Transport each month?
4 A I don't know. Can't remember.
5 Q All right. You will recall we talked about
6 Dr. Carrico a little while ago. He's your doctor here in
7 Kentucky, isn't he?
8 A Yeah.
9 Q His records reflect you first saw him on
10 January 31st, 2017, and when you saw him you were
11 complaining of seizures at that time. Does that sound
12 right to you?
13 A Wait a minute. Yeah.
14 Q Okay. When did the seizures start?
15 A What was - - it was with these seizures.
16 Q So it's the same - -
17 A No. No. It's different.
18 Q Are they different seizures now than what
19 you had before?
20 A No. No.
21 Q They're all the same?
22 A Yeah.
23 Q So these seizures that you're dealing with
24 now are like the seizures that started back in December of
25 2015?

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1 A This thing.
2 Q "This thing" meaning what?
3 A The loop.
4 Q Oh, you're having irregular heartbeats,
5 right?
6 A No.
7 Q No. Well, what does the loop recorder have
8 to do with seizures? Explain that to me.
9 A I don't think it has anything to do with
10 that. I don't know what the seizures are.
11 Q Okay. You know you're having seizures; you
12 just don't know what's causing them. Is that what you're
13 telling me?
14 A Right.
15 Q Okay. And the seizures you're having
16 today, are they any different than the seizures you
17 experienced back in December of 2015?
18 A No. No.
19 Q When you're at home here in Kentucky, what
20 kind of bed do you sleep in?
21 A Regular bed.
22 Q And how long has that been the case?
23 A Since I've had it. Since I had the stroke.
24 Q Okay. Has anybody ever told you that what
25 you need is a hospital bed?

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1 A That's what I would like.
2 Q Huh?
3 A That's what I would like.
4 Q No. My question is not what you would
5 like. Has anybody told you that you need a hospital bed?
6 A No.
7 Q Have you tried to get a hospital bed -
8 A No.
9 Q - from a medical supplier?
10 A No.
11 Q Do you have a walk-in shower at your home
12 here in Mayfield?
13 A Yes.
14 Q Was that already in the house when you
15 began renting it?
16 A Yes.
17 Q Do you have a lift chair in the shower or
18 the bathtub?
19 A No.
20 Q Has anybody ever told you you needed to
21 have a lift chair?
22 A No.
23 Q Do you get physical therapy at home?
24 A No.
25 Q When is the last time you got physical



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1 therapy?

2 A July of last year.

3 Q July of '16?

4 A Yeah.

5 Q And where was it?

6 A I don't know the name of it. It's a

7 facility in Smithville, Tennessee.

8 Q NHC?

9 A Yeah.

10 Q That's the last time?

11 A Yeah.

12 Q Do you feel that that physical therapy

13 helped you?

14 A Yes.

15 Q And how did it help?

16 A It helped with my arm and my talking.

17 Q Okay. How did it help with your right arm?

18 A I'd be able to lift it up.

19 Q You would be able to lift it up? How much

20 further up than you just lifted it?

21 A I think I could go up to my - - be up to

22 like here.

23 Q Okay. And has it not - - you can't lift it

24 as much now as you could before because you haven't had

25 any physical therapy, correct?

Page 110

1 A Yes.

2 Q And how did their speech therapy help you

3 with your talking?

4 A They had electrode. They put electrodes on

5 my cheek and it would lift it up.

6 Q Would lift your cheek up -

7 A And I'd talk.

8 Q - by tightening up the muscles?

9 A Yes.

10 Q Okay. All right. Has any doctor since

11 then, for example Dr. Carrico or any other physician, said

12 that you need physical therapy now?

13 A I don't know.

14 Q Have you tried to get physical therapy? I

15 just noticed, for example, when we were coming in this

16 morning there's a big hospital here right off the

17 Interstate, Jackson Purchase.

18 A Yeah.

19 Q Have you tried to get physical therapy

20 since you moved to Mayfield?

21 A No.

22 Q Why not?

23 A Money.

24 Q Well, you're covered by disability, aren't

25 you?

Page 111

1 A No.

2 Q You're not covered by disability?

3 A No.

4 Q Have you applied to become covered by the

5 Medicare program?

6 A They won't take me.

7 Q Why?

8 A They won't take my insurance. They won't

9 take anything.

10 Q Who's "they" that won't take you?

11 A The state.

12 Q The State of Kentucky?

13 A Yeah.

14 Q Have you thought about moving back to

15 Tennessee?

16 A No.

17 Q Why not?

18 A Because we're not going to Tennessee.

19 Q Why? If you could get physical therapy in

20 Tennessee as you did before, why not move back?

21 A Won't be - - they won't take me there.

22 Q How do you know that?

23 A They don't have the state requirements.

24 Don't have it.

25 Q What state requirements?

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1 A The state help, Medicare, Medicaid, they

2 don't give it to me.

3 Q Well, one of the things that people have to

4 do in order to get Medicare is to submit an application to

5 be included.

6 A And they don't take mine.

7 Q Have you - -

8 A They don't take it.

9 Q Excuse me just a minute.

10 A They don't take it.

11 Q Have you applied -

12 A Yes.

13 Q - to become eligible -

14 A Yes.

15 Q - for Medicare?

16 A Yes.

17 Q Where and when?

18 A Where and when? I don't know.

19 Q When? Just ballpark it for me.

20 A October of 2016.

21 Q Okay. And did you apply at an office in

22 Smithville? You were still in Tennessee at the time,

23 weren't you?

24 A Yeah.

25 Q You applied for disability benefits in



Page 113

1 Smithville. Is that the same location where you sought
2 Medicare?
3 A Yeah. Yeah.
4 Q Well, Medicare always responds in writing
5 to tell you how they viewed your application. Where is
6 your information that shows how they responded to your
7 application?
8 A I don't know.
9 Q Do you wear diapers?
10 A Yes.
11 Q How long have you been doing that?
12 A Ever since I've had that stroke.
13 Q Now, you have used the bathroom here today,
14 have you not?
15 A Yes.
16 Q Okay. Do you wear adult diapers just in
17 the event of leakage? What I'm getting at is, can you go
18 to the bathroom here and urinate in a urinal?
19 A No.
20 Q You cannot?
21 A No.
22 Q When you went to the bathroom here what did
23 you do? Did you change the diaper? Is that how you take
24 care of urination?
25 A With the diaper, diaper goes down and I

Page 114

1 urinate in there.
2 Q Okay. Is the diaper then just for leakage
3 in the event that leakage happens?
4 A Yeah.
5 Q Okay. What about fecal matter? Do you
6 have the ability to control your bowels?
7 A No.
8 Q You can't control your bowels?
9 A No.
10 Q And when did that first become a problem?
11 A 2/18/2016.
12 Q 2/18/16. What happened on the 18th of
13 February 2016 that led you to lose control of your bowels?
14 A The stroke.
15 Q What made you decide to go see a lawyer?
16 A I don't know.
17 Q When did you decide to go see a lawyer?
18 A I don't know.
19 Q Which lawyers have you seen?
20 A Just him.
21 Q Just Mr. Cummings?
22 A Yeah.
23 Q Did you know Mr. Cummings previously?
24 A No.
25 Q How did you know he existed?

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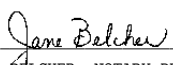
1 A I don't know.
2 Q Do you recall somebody sending you to him?
3 A No.
4 Q Okay. Have you been involved in lawsuits
5 before?
6 A No.
7 Q Has your wife been involved in lawsuits
8 before?
9 A No.
10 Q No?
11 A Not that I know of.
12 Q When you went through the application for
13 disability benefits, do you recall the Social Security
14 Administration sending you to a doctor for the purposes of
15 an evaluation?
16 A No.
17 Q It's your understanding that the benefits
18 were approved without an examination by any special
19 doctor?
20 A I don't know.
21 Q You don't know. Okay. Thank you.
22 A You're welcome.
23 MR. GORMAN: I don't believe I have any
24 questions at this time.
25 MR. CUMMINGS: I'm sorry. I was about to

Page 116

1 interrupt you actually and I'm sorry. I'd forgotten you
2 were there. No questions.
3 MR. GIDEON: It's going to take a while with Ms.
4 Ruffino, so let's eat. It's 12:15. Let's be back at 1:15
5 and we'll start with her.
6 (VIDEO DEPOSITION ENDED AT 12:12 P.M.)
7 AND FURTHER DEPONENT SAYETH NOT: - -
8 DEPONENT'S SIGNATURE REQUESTED: - -
9 (WHEREUPON, DOCUMENTS REFERRED TO DURING THE
10 COURSE OF THE VIDEOTAPED DEPOSITION HAVE BEEN MARKED FOR
11 IDENTIFICATION AND HAVE BEEN ATTACHED HERETO AND MADE A
12 PART HEREOF.)
13 (UNLESS OTHERWISE NOTIFIED BY THE PARTIES
14 INVOLVED, THE TAPED RECORDING MADE IN CONNECTION WITH THE
15 TAKING OF THE VIDEOTAPED DEPOSITION WILL BE DESTROYED SIX
16 MONTHS FROM THE DATE OF THE VIDEOTAPED DEPOSITION.)
17
18
19
20
21
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24
25



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1 COMMONWEALTH OF KENTUCKY)
2) SS:
3 COUNTY OF DAVIESS)
4 I, Jane Belcher, Notary Public, State-at-Large, do
5 hereby certify that the foregoing deposition was taken at
6 the time and place set forth in the caption thereof; that
7 the witness therein was duly sworn on oath to testify the
8 truth; the proceeding was reported by me stenographically;
9 and the foregoing is a true and correct transcript to the
10 best of my ability.
11 I further certify I'm not a relative or employee of
12 attorney or counsel of any of the parties hereto, nor a
13 relative or employee of such attorney or counsel, nor do I
14 have any interest in the outcome or events of this action.
15 I hereby certify that the appearances were as stated in
16 the caption.
17 DATED THIS 30TH DAY OF OCTOBER 2017.
18 
19 JANE BELCHER, NOTARY PUBLIC
20 STATE-AT-LARGE
21 NOTARY ID 479570
22 OHIO VALLEY REPORTING SERVICE
23 2200 EAST PARRISH AVENUE, SUITE 106-E
24 OWENS, KENTUCKY 42303
25 COMMISSION EXPIRES:
DECEMBER 7, 2020
COUNTY OF RESIDENCE:
DAVIESS COUNTY, KENTUCKY

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1 UNITED STATES DISTRICT COURT
2 MIDDLE DISTRICT OF TENNESSEE
3 NASHVILLE DIVISION
4 JOHN RUFFINO and MARTHA RUFFINO,)
5 Husband and Wife,)
6)
7 Plaintiffs,)
8)
9) Civil Action No.
10) 3:17-cv-00725
11)
12 DR. CLARK ARCHER and HCA) Jury Demand
13 HEALTH SERVICES OF TENNESSEE, INC.) Judge Crenshaw
14 d/b/a STONECREST MEDICAL CENTER,) Magistrate Judge
15) Newbern
16 Defendants.)
17 VIDEO DEPOSITION OF JOHN RUFFINO
18 OCTOBER 24, 2017
19 DEPONENT CERTIFICATION
20 I, JOHN RUFFINO, do hereby certify that the
21 foregoing deposition was taken at the time, place, and
22 for said purposes as indicated in the caption, and that
23 said deposition is a true, complete and accurate
24 transcript thereof.
25 This, being the ____ day of _____ 2017.

JOHN RUFFINO,
DEPONENT

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1
2
3 STATE OF _____:
4 COUNTY OF _____:
5
6 I, _____, do hereby certify that
7 JOHN RUFFINO hereby personally appeared before me and
8 acknowledged same.
9
10 This, being the ____ day of _____ 2017.
11
12 _____
13 NOTARY PUBLIC
14 COMMISSION EXPIRES: _____
15 COUNTY OF RESIDENCE: _____
16
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1 ERRATA SHEET
2 INSTRUCTIONS: After reading the transcript, please note any
3 change, addition or deletion on this sheet. DO NOT mark
4 on the actual transcript. (Use additional paper if needed
5 and attach to this sheet)
6 Please sign and date this errata sheet and return it to
7 the court reporting agency indicated below.
8 WITNESS NAME: JOHN RUFFINO
9 DATE OF DEPOSITION: OCTOBER 24, 2017
10 Page Number ____ Line Number ____
11 Change _____
12 Page Number ____ Line Number ____
13 Change _____
14 Page Number ____ Line Number ____
15 Change _____
16 Page Number ____ Line Number ____
17 Change _____
18 Page Number ____ Line Number ____
19 Change _____
20 Page Number ____ Line Number ____
21 Change _____
22
23
24 SIGNATURE OF DEPONENT _____ DATE _____
25

